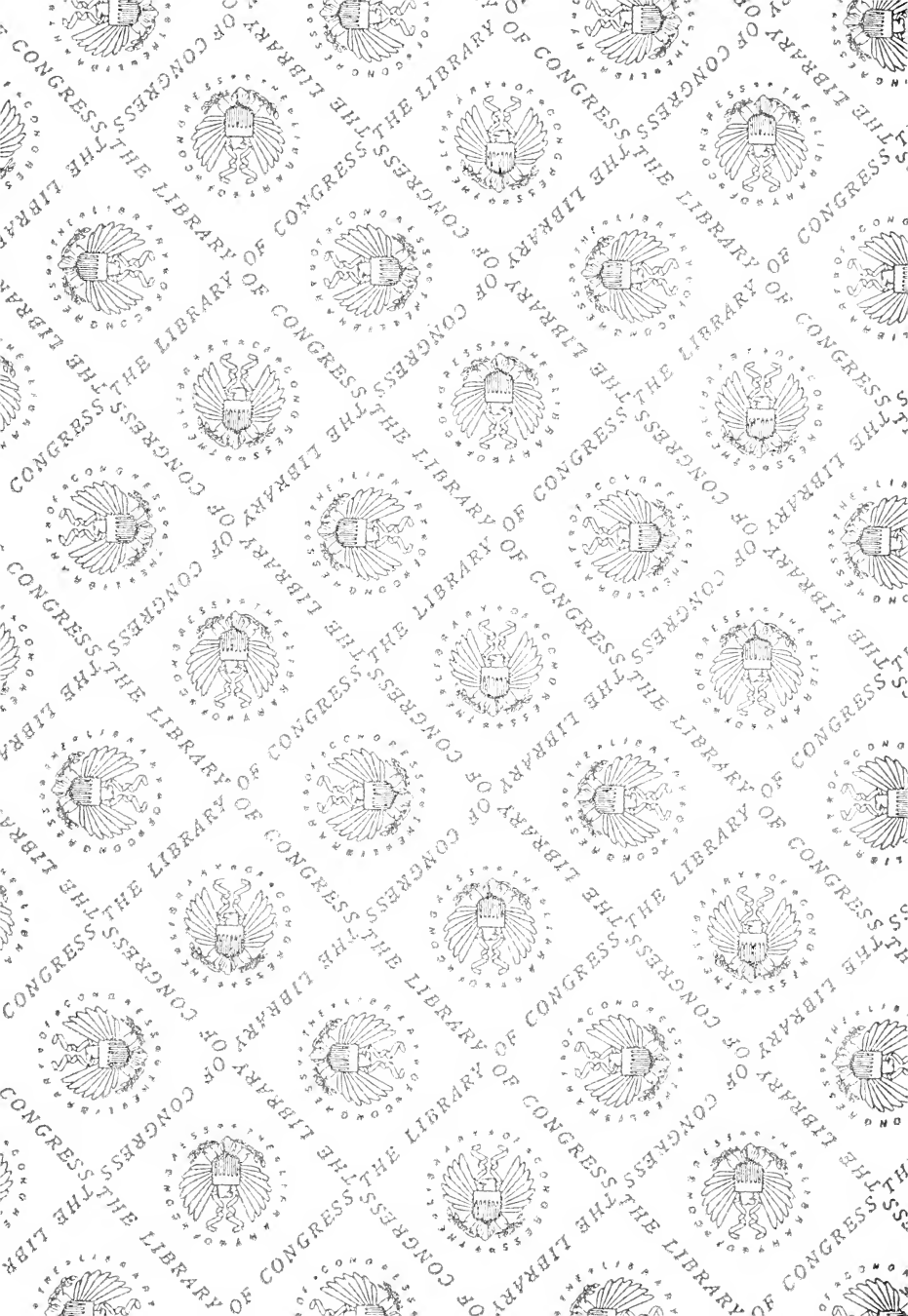
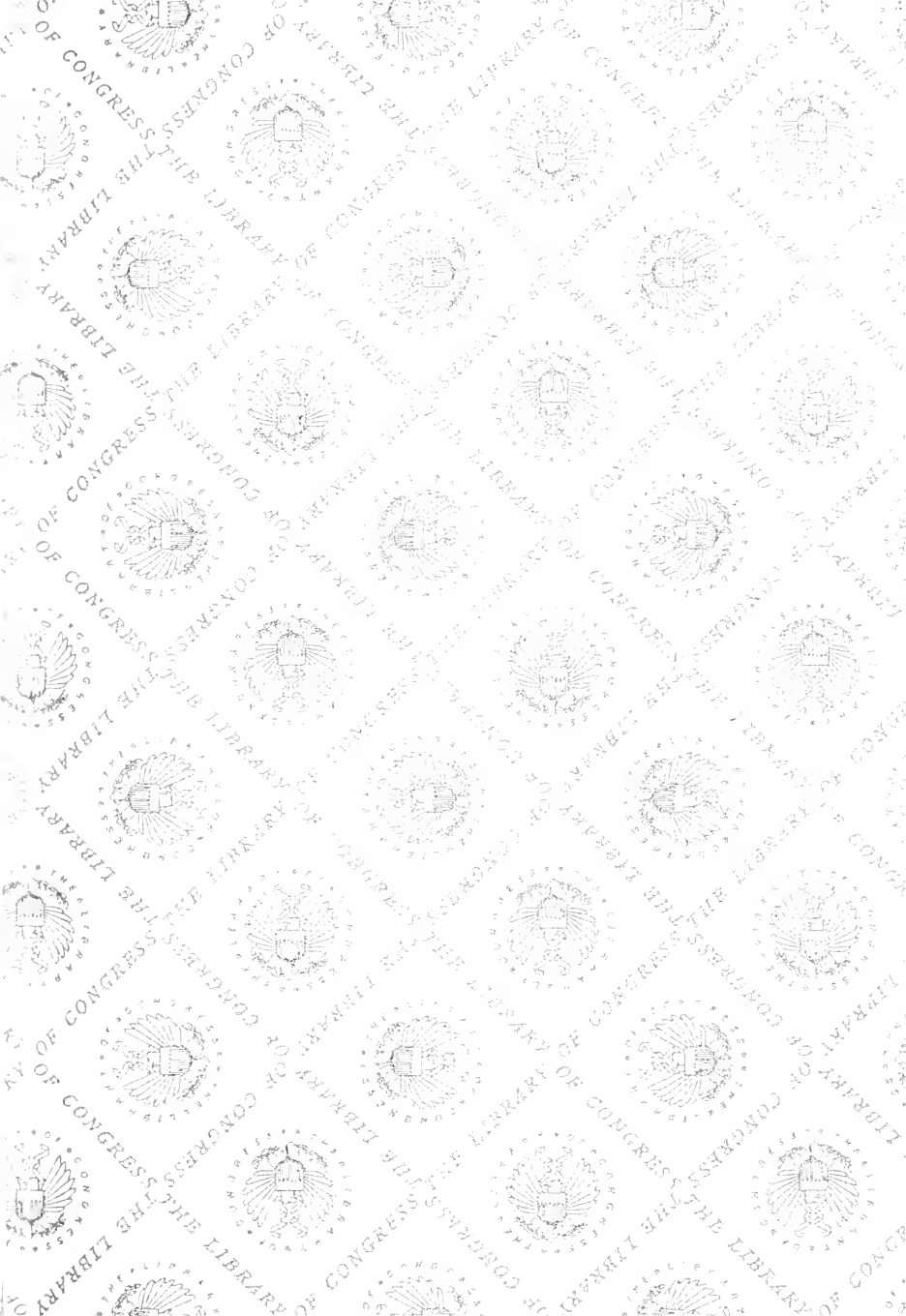


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**R E P O R T**

OF THE

**COMMISSIONERS TO INDIAN STREAM.**

**Nov. 1836.**

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*RESOLVED* by the Senate and House of Representatives in General Court convened, That the State of New Hampshire should continue the possession of the Indian Stream Territory and maintain the jurisdiction of this State over the same, until the question of boundaries now in dispute between the United States and Great Britain affecting the limits of said Territory shall be finally settled, and His Excellency the Governor be requested to render all necessary aid to the executive officers of the county of Coos in causing the laws of said State to be duly executed within the limits of said Territory.

*Resolved*, That the Executive be authorized to appoint Commissioners to repair to Indian Stream and collect and arrange such testimony as may be obtained to rebut and explain the charges and testimony obtained and preferred against the authorities and citizens of this State by Lord Gosford, Governor of the Province of Lower Canada.

*Resolved*, That the Commissioners so appointed be authorized and directed to arrange and publish for the use of the Legislature, one thousand copies of such portions of the documents and correspondence relating to our Indian Stream difficulties as they may think proper.

Approved, June 18, 1836.



# REPORT.

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*To His Excellency the Governor of the State of New-Hampshire.*

The undersigned, Commissioners, appointed under a resolution of the Legislature of New-Hampshire, approved June 18, 1836, "to repair to Indian Stream and collect and arrange such testimony as may be obtained to rebut and explain the charges and testimony obtained and preferred against the authorities and citizens of this State by Lord Gosford, Governor of the Province of Lower Canada," have attended to that duty, and now make the following report:

The charges made by Lord Gosford are the three following, viz.

1. "The first and most serious is the irruption within the limits of this Province (Lower Canada) of armed citizens of the United States, under the command of, or countenanced by an officer holding a commission in their militia, for the avowed purpose of attacking and forcibly carrying out of the Province, several of H. M's subjects."

2. "The continued attempts of the State of New-Hampshire, notwithstanding the repeated remonstrances of H. M's Gov't, to exercise jurisdiction and to enforce its laws within a territory, which, until it shall be formally adjudged to be part of the U. S. under the treaty of 1783, must be considered as still undetached from the original possession of Great Britain, and its inhabitants consequently within the protection of her Government."

3. "The military occupation, by the State of New-Hampshire, of the territory in question."

The Commissioners, in order to present to your Excellency and to the Honorable Legislature of the State a plain and intelligible account of the controversy relating to the Indian Stream territory, have given to the subject a more extended examination than was necessary simply to rebut and explain the charges of Lord Gosford. The following statement of facts, it is believed, will clearly and unequivocally justify the State of New-Hampshire in maintaining jurisdiction over this territory, and show that all the acts of violence there committed, are to be entirely attributed to the attempt of certain individuals in Lower Canada to extend the authority of that Province over the territory in question, since the pretended award of the King of the Netherlands, the State of New-Hampshire having exercised quiet, peaceable, and exclusive jurisdiction over the same from the peace of 1763 to a period subsequent to said pretended award. In the year 1789, a committee was appointed by the Legislature of this State for the purpose of ascertaining the boundary lines between the State of Maine, then Massachusetts, the Province of Lower Canada, and this State. This committee attended to the duties assigned them, and established and marked by suitable monuments, many of which are now remaining, a boundary line of the State, including all the territory now in dispute, and making the head of Hall's river our northwestern boundary monument. That the committee were right in their construction of that part of the treaty of 1763, relative to this subject, is manifest from the following reasons:

1. This is the only head of Connecticut river that intersects with the highlands dividing the waters which fall into the Atlantic from those which fall into the St. Lawrence.

2. This is manifestly and notoriously, by far, the most northwesternmost head of Connecticut river, that claimed by the British Government being manifestly the most **NORTH-EASTERN** head of Connecticut River.

3. The Magalloway River, a branch of the Androscoggin, takes its rise many miles North and West, not only of that branch of the Connecticut claimed by the British as the North-

westermost head, but also North and West of Indian Stream, so that pursuing the highlands indicated by the treaty, one would never arrive at the head waters claimed by the British Government as those indicated by the treaty, but would have to leave the highlands and cross the Magalloway river to attain the object.

The above fact of the true source of the Magalloway river, it is believed, is not noticed in any geography nor laid down upon any map of the country. This may be easily accounted for on account of its remote situation and unsettled state. It is nevertheless an important fact, and one which goes far not only to show that the British claim to jurisdiction over this disputed territory is unfounded, but that by the words of the treaty, New-Hampshire is entitled to a much larger territory there, than we have ever yet claimed. Many of the first settlements of this territory were by persons who fled there from the neighboring States to avoid the payment of their debts, or the criminal process to which their crimes had rendered them amenable. As the population increased, the character of the inhabitants improved; and although at times some of them claimed to belong to Vermont, and at other times to Maine, and at other times to be within the jurisdiction of the United States, but not of any particular State, and at other times to be independent either of the U. S. Government or the Government of Great Britain, yet the officers of the State of New-Hampshire, from time to time, as occasion required, executed divers processes issuing from the Courts of this State, upon the inhabitants there, and although sometimes they met with such resistance as was to be expected from the character of the inhabitants, yet no complaint was ever made on account thereof by the officers of the Province of Canada, or of any foreign Government whatever. Indeed the oldest inhabitants in the territory or the towns adjacent have no recollection of ever having heard of any act of any other Government ever exercised within the territory, save by the State of New-Hampshire. The inhabitants have uniformly resorted to New-Hampshire for the purpose of being united in marriage whenever there was such a ceremony to be performed among them, and in divers other ways, such as taking advantage of our bounty

laws for the destruction of certain wild animals, manifested under whose protection they lived, and to what government they supposed they owed allegiance. Affairs were in this quiet posture at this place at the time of the pretended award of the King of the Netherlands: and at a period subsequent to that, one of those restless individuals, the bane of every well-ordered society, who are never easy unless busied about the affairs of their neighbors, claiming to be a magistrate of Lower Canada, and to be acting by the direction of the Governor of that Province, began to claim the territory as belonging to the Province of Lower Canada. This claim was now asserted in various ways, such as sending pretended warrants in the name of the King of Great Britain, into the territory. He also sent a letter directed to various individuals there, requesting them to assemble at the school house in one place on Saturday, and another on Sunday, and when they were thus assembled he met them and exhorted them to open resistance to the laws of the State, and assured them of the protection of the Government of Lower Canada in so doing.

It is the opinion of the better disposed part of the community there, that all the difficulties which have occurred at that settlement within the three or four years last past, are to be attributed to the mischievous interference of the individual alluded to, and from all the investigation which we were able to make, we were unanimously of the same opinion.

If it be the fact that Hall's Stream be the Northwestermost head of Connecticut river, and if the State of New-Hampshire have exercised jurisdiction over this disputed territory from the peace of 1783 to the present time, and these two points are incontestibly proved by testimony taken by the Commissioners, and accompanying this report, then the 2d and 3d cause of complaint, as set forth by Lord Gosford, entirely fail, for the military occupation, spoken of by him, and the attempted jurisdiction of the State of New-Hampshire, are justified by every principle of the law of nations, as well as by that protection which every Government owes to its citizens.

We now proceed to state all the facts relating to the first charge of his Lordship, and we have thus inverted their or-

der because it seemed to us the most natural course, for if we had no title to the soil, then our jurisdiction was usurped and wrongful, our military occupation unjustifiable, and our whole defence untenable. In October, 1835, William M. Smith, a deputy sheriff of Coos county, had a writ put into his hands for service against one John H. Tyler, an inhabitant of the disputed territory. Smith, not knowing Tyler, and also apprehending some resistance, procured one Richard I. Blanchard and John Milton Harvey to assist him, and then proceeded to Tyler's house for the purpose of making service of the writ. Not having found said Tyler at his house, they went in pursuit of him agreeably to the directions which they had received, and soon met said Tyler. Smith then requested said Tyler to show him property, that it might be attached on the writ, which he refusing to do, he was arrested by said Smith, who was proceeding with said Tyler in custody, when he was forcibly rescued from said Smith's possession by several of the inhabitants.

Upon this, the individual before referred to as the occasion of all the difficulties at this place, issued a warrant in the name of the King of Great Britain, against said Smith, Blanchard and Harvey, for attempting to execute process there, not issued by authority of the King of Great Britain, and sent it into the settlement for the purpose of having it served upon the individuals against whom it had issued. This was done with a full knowledge of the fact that this state had, by a resolution of the Legislature, determined to maintain its jurisdiction over the territory until the boundary line should be definitely and satisfactorily settled.

By virtue of this pretended warrant, on the 22d day of October, A. D. 1835, said Blanchard was taken from his own dwelling house, by an armed body of men, with the express and avowed purpose of carrying him into Canada for trial, on the absurd charge of having assisted in serving a writ duly issued by the competent authority of the county of Coos.

The news of this outrage was immediately spread through the adjacent towns, and excited very great indignation against its perpetrators. The inhabitants very generally, upon being notified of the fact, expressed a determination not to suffer

their fellow citizen thus to be taken from his home and carried out of the state, without an attempt at least on their part to rescue him. In pursuance of this determination several citizens of the neighborhood went over the line dividing this state from the Province of Lower Canada, for the purpose of intercepting those who had said Blanchard in custody, and effecting his release. This was effected without any violence, and so far from being done under the direction of any military officer, it was an entirely spontaneous assemblage of citizens aroused by what they deemed a gross outrage upon the rights of one of their fellow citizens, subject to the direction of no military or civil officer of the state. How far this proceeding is to be palliated or justified, the wisdom of the Legislature may best determine. The facts are here stated. After said Blanchard had been thus rescued, the individuals who had turned out for that purpose, assembled at the store of Parmelee & Joy, in Canaan, Vermont. Among the number was William M. Smith, the deputy sheriff before spoken of, who had previously arrested one John H. Tyler, and who had been rescued from him in the manner before stated. He then offered a reward of five dollars to any one who would deliver said Tyler to him. A notion seemed very generally to prevail, amongst those who were then present, that said Tyler, having once been legally made a prisoner, by the arrest of said Smith, might be retaken again wherever he could be found. This John H. Tyler was one of those who had said Blanchard in custody at the time he was rescued in the manner before stated. After Smith, the Deputy Sheriff, had offered this reward for the recapture of said Tyler, several of the individuals who had left their homes for the avowed and express purpose of rescuing Blanchard, unadvisedly and improperly went over the line for the purpose of retaking Tyler, they having at that time the impression that they were justified in so doing. No sooner were these individuals over the line than they were set upon in a furious, boisterous, and outrageous manner by the individual before referred to, as the cause of all the difficulty at the Indian Stream settlement, and the very individual who had issued the warrant by which Blanchard had been dragged from his home as before stated.



This individual came upon them while they were peaceably and quietly demeaning themselves, having offered or threatened violence to no one, and ordered them off the highway, and attempted to make prisoners of them, and called upon those who were with him to assist. The New-Hampshire citizens not relishing the idea of thus being made prisoners, resisted, and being assaulted with great violence by the inhabitants of Canada, their horses' bridles seized, and stones thrown violently at them, defended themselves with such arms as they had with them having taken them at the time they turned out for the rescue of Blanchard. We do not undertake to state with accuracy all the particulars of the skirmish which ensued upon this assault, but we are confident in the assertion that the first violence offered or threatened was that done to the citizens of New-Hampshire, by citizens of Canada. The result was, that the individual who commenced the brawl was violently seized and brought over the line into Vermont and there detained some hours, and finally set at large.

As to the assertion that the late Gov. Badger was connected with a band of speculators claiming the territory of Indian Stream as their private property, we are aware of no rule of courtesy or etiquette which requires us to call it by any milder name than *falsehood*.

The Commissioners, in conclusion, are happy in being able to inform your Excellency and the Legislature, that the inhabitants of this section of our state are now in as quiet and peaceable condition, as free from internal commotion, or foreign interference, as any portion of the state whatever. The citizens there, who were friendly to the preservation of good order and the wholesome administration of the laws, and who had begun to apprehend that they were neglected, have been assured that the protecting energies of the state are extended to all within her borders, while the lawless and the vicious have been made to feel that their remote situation affords no sanctuary for crime.

We have no hesitation in saying that the people are now contented and happy under the government of the State, and that in future there will be no need of any farther aid from the

militia, to assist the civil officers in the due execution of their respective duties.

The Commissioners are of opinion that the measures adopted by the late Governor of this State, Hon. William Badger, in relation to this subject, were wise and judicious, and that to his prompt and efficient interference to maintain the integrity of the State and the dignity of the Laws, is to be attributed the present quiet condition of the inhabitants there.

JOSEPH LOW,  
RALPH METCALF, } *Commissioners.*  
JOHN P. HALE,

Nov. 23, 1836.

## APPENDIX.

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*Hon. Isaac Hill to Hon. John Forsyth.*

Senate Chamber, Washington,  
Jan. 4, 1836.

HON. JOHN FORSYTH.

SIR,—I have this morning received from the Adjutant General of the State of New-Hampshire the accompanying letter enclosing other letters showing the present condition of the settlement at Indian Stream, situated in the northerly section of that state, on the confines of Lower Canada. These communications, after perusal, I wish may be returned.

It is manifest from these letters, as well as from other facts transpiring, that the difficulty would at once be settled, if the malcontents had not a tolerable presumption that they will be protected in their acts of meditated violence by the British authorities in Lower Canada. If assurances may be obtained that the aggressors, who are principally fugitives from the States, shall not be countenanced by the British authorities, the necessity for continuing an armed force by the State will have been superseded. If such assurances cannot be obtained, will it not be the duty of the National Government at once to protect the State of New-Hampshire and its citizens in the rightful jurisdiction and possession which never, until recently, has been denied them? An early answer is requested.

I am, respectfully, sir,

your ob't servant,

ISAAC HILL.

*Hon. Isaac Hill to Hon. John Forsyth.*

Senate Chamber, Washington,  
Jan. 6, 1836.

HON. JOHN FORSYTH.

SIR,—I have this morning received additional letters from Indian Stream, in Coos county, New-Hampshire, which I enclose, and, after perusal, wish to be returned with others heretofore sent.

You will perceive by these last letters, that the course pursued by the Canadian government is calculated to encourage the malcontents in that region. It appears to me that the National Executive has it in its power to put a stop to that interference of the foreign government which is certainly new in regard to this territory. The Canadian government has just as much right to direct its magistrates to take depositions at Lancaster, the shire town, as at Indian Stream in the same county; and if it would be the duty of the Executive to interpose its power to prevent an invasion in one case, it will be in the other.

I am, respectfully, sir,  
your obedient servant,  
ISAAC HILL.

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*Hon. John Forsyth to Hon. Isaac Hill.*

Department of State,  
Washington, 11th Jan. 1836.

HON. ISAAC HILL.

SIR.—Your letters of the 4th and 6th instant, transmitting certain papers relative to the present condition of the settlement at Indian Stream, have been received. In returning these enclosures, in compliance with your request, and tendering my acknowledgments for the opportunity afforded me of perusing them, I have to add, in answer to the suggestions contained in your communications, that no necessity is believed to exist, at present, for the interference of the General Government, in the manner proposed, for the protection of New-

Hampshire and its citizens in the jurisdiction and possession of the Indian Stream territory.

I am, Sir, respectfully  
Your obedient servant,  
JOHN FORSYTH.

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*Hon. John Forsyth to Gov. Badger.*

Department of State,  
Washington, Feb. 1836.

His Excellency WILLIAM BADGER,  
Governor of the State of New-Hampshire.

SIR,—I have the honor to transmit to your Excellency, herewith, the copy of a note addressed to this Department on the 18th instant, by Mr Bankhead, His Britannic Majesty's Charge d'Affaires at Washington, enclosing the copy of a letter which he has received from the Earl of Gosford, His Majesty's Governor General of Canada, with a variety of accompanying documents relative to a complaint preferred by His Excellency against several citizens of the United States residing in New-Hampshire, for an alledged outrage committed on the persons of certain subjects of His Britannic Majesty, and for a violation of British Territory.

I am directed by the President, in communicating to your Excellency copies of the papers referred to, to express his confident expectation that you will be enabled to furnish to this Department such facts and explanations regarding this matter, as may prove entirely satisfactory to His Britannic Majesty's Government, and remove any misapprehensions that may exist in relation to it, on the part of the Canadian authorities.

As it is intended that no reply should be made to the substance of Mr. Bankhead's complaint, before the Department is in possession of your Excellency's answer, I beg leave to invite your early attention to the subject.

I have the honor to be, respectfully,  
Your Excellency's obedient servant,  
JOHN FORSYTH.

*Lord Gosford to Mr Bankhead.*

Castle of St. Lewis,

Quebec, 6th Feb. 1836.

SIR,—It has become my duty to communicate to you the details of an outrage of a very grave character which has recently been committed within the undoubted limits of this Province by an armed body consisting principally of citizens of New Hampshire, on two of His Majesty's subjects—one a justice of the peace, and the other a peace officer, while in the execution of their official duties. And I have to request that you will take such steps as you may judge advisable to obtain immediate redress from the justice of the Central Government of the United States for this infraction of the Law of Nations, accompanied by acts endangering the lives, and violating the liberties of His M.'s Canadian subjects.

Before entering into the details of the case, it is proper to inform you, that they were collected under a commission which I appointed for the purpose, consisting of three gentlemen who were expressly made justices of the peace, in order that all the evidence might be taken (as it was) under the sanction of an oath, was to render the information obtained as formal and accurate as possible.

From the copies of the documents, which I have the honour to transmit, and especial from the Report of the Commissioners No. 1, and the affidavit No. 5, of Mr Rea, you will perceive that the origin of the present affair may be traced to the assumption of jurisdiction by the State of New Hampshire over the township of Drayton, or, as it is otherwise called, the Indian Stream Settlement, which has more than once formed the subject of remonstrance with the Government of the United States, through His Majesty's Minister at Washington. You will further perceive that on the 15th October last Mr Rea, who is a justice of the peace for the District of St. Francis, residing in the township of Hereford in this Province, issued his warrant, upon the sworn information of one John H. Tyler, an inhabitant of the township of Drayton, for the apprehension of William Smith, John Milton Harvey (American citizens) and Richard I. Blanchard of Drayton, for

having arrested the said Tyler under the authority of the Sheriff of Coos, New-Hampshire.

Under this warrant Blanchard only was arrested on the 22d October, at his residence in Drayton; and while the Constables were conveying him to Mr Rea's, he was forcibly rescued in the highway by a body of armed men, citizens of New-Hampshire. The Constables and others who had assisted in the arrest, immediately proceeded to inform the Magistrate of the rescue, and on their return home, when about fifty rods from his house, were again stopped on the public highway by one Miles Hurlburt, of Stewartstown, New-Hampshire, and Ephraim Aldrich of Drayton, two of the armed body, and both on horseback. On observing this, Mr Rea, to avoid even the appearance of force, laid aside the stick which his lameness in general obliges him to use, and proceeded to remonstrate against this unwarrantable and illegal act, when Hurlburt presented a large pistol or carabine, and threatened to fire upon him if he attempted to advance; Mr Rea, after frequently exhorting them, without success, to retire, and receiving in return only threats and abusive language, directed Bernard Young, a peace officer of the township of Hereford, to arrest Aldrich, who was apparently unarmed. On Young's attempting to execute the order, Aldrich drew a horseman's sabre from under his cloak, and struck him a violent blow on the neck. At the same instant Hurlburt who was about five yards distant, fired his carabine or pistol at Mr Rea. The ball, missing this gentleman, took effect on Young, and wounded him in a very dangerous manner.

Immediately afterwards Aldrich inflicted a deep wound on Mr Rea's head, and, about this time, others of the armed party coming up, Mr Rea attempted to make his escape, but was overtaken, nearly murdered, and eventually carried prisoner into Canaan in Vermont where, after being detained some hours, he was enabled, through the interference of Herman Nichols a Magistrate of that State, to return to his own house.

The scene of these violent proceedings is not in the disputed Territory, but clearly within the limits of this Province. The party engaged therein consisted of about 50 or 60 per-

sons, although not more than 18 or 20 appear to have taken an active part in the attack upon Mr. Rea, and in his subsequent abduction—of this number, 3 only were inhabitants of Drayton, the remainder citizens of the U. S., of whom one was a Captain in the 24th Regiment of New-Hampshire Militia named James Mooney then in command of a detachment of 50 men quartered in the Township of Drayton.

On a perusal of the accompanying Documents, you cannot fail to observe that H. M's Gov't has more than one distinct cause of complaint to bring under the notice of the American Gov't arising out of these transactions. The first and most serious is the irruption within the limits of this Province of armed citizens of the U. S., under the command of or countenanced by an officer holding a Commission in their Militia, for the avowed purpose of attacking and forcibly carrying out of the Province several of H. M's subjects. Secondly, the continued attempts of the State of New-Hampshire, notwithstanding the repeated remonstrances of H. M's Gov't, to exercise jurisdiction and to enforce its laws within a Territory which until it shall be formally adjudged to be part of the U. S. under the Treaty of 1783, must be considered as still undetached from the original possession of Great Britain—and its inhabitants consequently within the protection of her Gov't. And thirdly, the military occupation, by the State of New-Hampshire, of the Territory in question,—a proceeding which can be productive only of embarrassment to the two governments without varying in any respect the rights of either.

Having thus put you in possession of the principal features of this transaction, I feel it unnecessary to offer any suggestions as to the specific redress that ought to be demanded on the present occasion. And I the more readily abstain from this, under the persuasion that it requires nothing but a knowledge of the facts to induce the Gov't of the U. S. to adopt measures which will at once prove satisfactory to H. M's Gov't and prevent the repetition of occurrences tending to disturb the harmony and good understanding which now exists, with so much advantage to both nations.

I have &c. &c.

(Signed)

GOSFORD.

CHARLES BANKHEAD, Esq. &c. &c.



*Report of Commissioners appointed by Lord Gosford.*

To His Excellency the Earl of Gosford, Captain General and Governor in Chief in and over the Provinces of Upper and Lower Canada, &c. &c. &c.

We the undersigned Commissioners appointed by your Excellency to enquire into and investigate certain offences alleged to have been committed by Ephraim H. Mahurin, Thomas B. Blodgett and others, citizens of the United States of America, against Alexander Rea, Esq. and other subjects of His Majesty in the Province of Lower Canada, to examine witnesses under oath touching the said complaints and to report what felonies, misdemeanors, breaches of the peace, and other offences, if any should appear to have been committed, by the said persons within the said Province of Lower Canada, having visited the townships of Hereford, Drayton and Compton and examined divers witnesses, have the honor to report : That it appears from the depositions taken before us, and herewith transmitted to your Excellency, that for a length of time attempts have been occasionally made without success by the authorities of New Hampshire to exercise jurisdiction over the Indian Stream Settlement in the Township of Drayton ; and that during the last 12 months a disposition to reduce that settlement by force under the control of New Hampshire has been more fully evinced by numerous acts of violence and oppression committed on the inhabitants by persons professing to act under authority from the state of New Hampshire. It further appears that serious offences have been recently committed against the Laws of this Province within its undoubted Boundary by armed parties from the state of New Hampshire in the first place by the forcible rescue of one Richard I. Blanchard while he was being conducted to Hereford under arrest in virtue of a warrant from Alexander Rea, Esq: a Justice of the Peace for the District of St. Francis, at a spot within the limits of the said township of Hereford as will be seen on reference to the accompanying diagram and map on which the same has been accurately marked by Capt. Hayne after actual survey, and secondly by a violent attack on the peaceable and unprotected inhabitants of Hereford by an armed body acting under the di-

rections of an officer in the New-Hampshire Militia of the name of James Mooney in which Alex. Rea, Esq. and Bernard Young inhabitants of Hereford were severely wounded and the former forcibly conveyed over the Boundary into the State of Vermont, where after having been subjected to much abuse and ill treatment he was released by a Magistrate of that State. It appears to us that no satisfactory reason can be adduced in justification of these outrages and that the only excuse offered in palliation is that Alex. Rea exercised undue authority in granting a warrant for the arrest of said Blanchard and one Luther Parker of Indian Stream although at the time he was acting in the course of his duty as a Magistrate in consequence of an assurance given to the inhabitants of Indian Stream that they should be protected by the Gov't of this Province. It also appears to us that no fair argument can be advanced in favor of the pretensions of the State of New-Hampshire to the Indian Stream Territory, the words of Treaty of 1783 being clear and the Boundary defined by the Connecticut River in that part, but it is attempted to substitute a tributary known by the name of Hall's Stream for the Connecticut River although each of these has been known by the name which it now bears for upwards of 50 years. It moreover appears that Governor Badger of New-Hampshire is connected with a Company of Land Speculators who claim the territory of Indian Stream as their private property under a pretended title from one King Philip an Indian, which might possibly induce a belief that he is actuated by other motives than State Policy in his attempts to annex it to the State of New-Hampshire. It appears also that the inhabitants of Indian Stream settlement situated on a territory in dispute between both countries, and over which jurisdiction had been occasionally exercised by each, framed and adopted a Constitution for themselves for their better government, which was to become null and void on the final settlement of the Boundary question. Amongst others one Luther Parker took the oath to support this Constitution and was elected a Member of the Executive Council, but having through misconduct forfeited the confidence of the inhabitants they ceased to elect him or to promote him to any office under the Constitution, in

consequence of which he became dissatisfied, transferred his allegiance to the Gov't of New-Hampshire and has ever since by misrepresentations to that Gov't and by all other means in his power continued to harrass and disturb the peace of the inhabitants of Indian Stream, and leagued with five others, he forwarded a petition for protection to the Gov't of New-Hampshire falsely purporting to be a petition of the Inhabitants of Indian Stream, but in reality signed by certain inhabitants of Colebrook, Stewartstown and Clarksville in the State of New-Hampshire. This Luther Parker was subsequently arrested under a warrant issued by Mr. Rea for an assault on one Jonathan C. L. Knight and conveyed to Sherbrook Gaol whence he was discharged on giving bail.

We have further to report to your Excellency that several of the inhabitants of Indian Stream, obnoxious to the authorities of New-Hampshire on account of their attachment to the British Gov't, have been driven from their homes, that their houses have been rifled, their females abused and their property sacrificed, and that the Territory is now in the possession of a body of New-Hampshire Militia consisting of 50 men under the immediate orders of the same James Mooney who was conspicuous in the affray at Hereford, that in our progress thro' the Indian Stream settlement in the prosecution of our enquiry we were stopped on the highway near the house of one Fletcher (also marked on the accompanying figurative plan) by a Military Guard composing a part of the force above mentioned, who at the point of the bayonet commanded us to stand and would not permit us to pass altho' made aware of the authority under which we were acting. And we further report that several of the inhabitants of Indian Stream have been lately carried prisoners to Lancaster Gaol in the State of New-Hampshire for rebellion against the laws of that State, some of whom have been liberated on bail, but two of the number, viz. Emer Appleby and Benj. Appleby still remain incarcerated. Amongst those who were most active in the commission of the outrages above mentioned, we would direct your Excellency's attention in an especial manner to Ephraim C. Aldrich and Luther Parker, inhabitants of Indian Stream, the former being the person who cut Mr Rea over the

head with a sabre and who afterwards attempted to take his life, and the latter who acted as a spy and general disturber of the peace, as also to Miles Hurlburt of Stewartstown, New-Hampshire, who shot Bernard Young, James Mooney the Captain of the Guard stationed at Indian Stream, Ephraim H. Mahurin, Thomas B. Blodgett and James M. Hilliard, who were the leaders of the party which rescued Blanchard and to Joseph P. Wisnell. And we do further report that from the disposition manifested by the authorities of New-Hampshire to oppress the inhabitants of Indian Stream and the threats which are daily made of again offering violence to Mr. Rea and others His Majesty's subjects in that quarter there appears to exist an absolute necessity for speedy measures being taken by the British Gov't for their relief and protection. We would humbly recommend to the favorable consideration of your Exc'y, Bernard Young who was severely wounded while acting as a Peace Officer in the execution of his duty under Mr. Rea, he being still incapacitated for labor and much injured in his general health and having no means of paying the fees of his medical attendant or of earning a livelihood except by the work of his hands, and in conclusion we beg leave to observe that we are indebted to Capt. Hayne for his assistance in ascertaining and marking on the Diagram and Plan the situation of the different places referred to in the deposition of the witnesses and in this our report which is humbly submitted.

Lennoxville, 1st January, 1836.

"Signed"

EDWARD SHORT,  
I. McKENZIE,  
BENJ. POMROY.

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*Hon. William Badger to John P. Hale, Esq.*

Gilmanton, Nov. 3, 1836.

JOHN P. HALE, Esq.

Dear Sir,—I have this moment rec'd your letter stating that the committee appointed by the Governor of Canada to make certain investigations at Indian Stream reported that I was connected with a certain company of land speculators who

claim the territory of Indian Stream as their private property under a pretended title from one King Philip an Indian.

So far the report is entirely false, without the least shadow of truth. I have not and never had the least pretence or claim to any of the lauds in that section of the State under King Philip or any other one, and the accusation is as groundless as I think the claim of the British Government to that Territory.

I am, dear sir, very respectfully

Your ob't servant,  
WILLIAM BADGER.

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*E. H. Mahurin to Gen. Joseph Low.*

Columbia, Aug. 28, 1836.

Respected Sir,—Having now got some over the fatigue of our tour, I proceed to communicate to you some information which I deem of some importance to the State and which must be conclusive in settling the boundary line on Indian Stream Territory.

I had been told by some old hunters that the waters of the Androscoggin run several miles around to the north of the Corner as marked by Col. Eames in 1789 ; and I communicated that fact to Gov. John Bell in 1828, requesting him to urge that fact strongly on the Commissioners at that time engaged in settling the Boundary question ; but it seems that all important fact has never been urged on the British Government.

It is not strange that Col. Eames and the committee of '89 should have thought that they were on the treaty "highlands" when they got on to the mountain where they marked the corner ; the country at that time was entirely unknown except to the Indians, and it appears by Col. Eames' Journal that the weather was cloudy and stormy and they could not have that view which we had in clear weather ; also the small streams running from that range of mountains generally run northwardly and might very naturally be mistaken for "Canada waters," as he terms them in his Journal. In all our tour, we never passed a single stream or rivulet but what run into either the Androscoggin or Connecticut and I think

we could not have been nearer than eight or ten miles to the nearest waters of St. Francis river.

I send you a rough, hasty sketch of the situation of the streams and highlands drawn without instruments, in a few moments, but which will give you as good a general view of it as if done with mathematical accuracy. You will notice by this that it is very plain that either Indian Stream or Hall Stream and probably the latter must be the "head" of Connecticut river intended by the treaty, as you cannot follow the highlands westerly and get near the waters which run into the Lakes.

In fact if the U. States and the British Government would each appoint an intelligent, practical man, and have them go and make an actual examination of the highlands and waters, they would settle the question at once and put a final end to this vexacious controversy, and much more favorable to us than we have ever contended for.

At any rate, according to their own construction of the treaty, we have from 40 to 60 thousand acres of land more than we ever thought of claiming; and Gen. Young and Mr. Hildard, who left us when we were running the north line, and went on to it and examined the land, waters, &c. say much of it is excellent land. Considering this information of importance I have thought it my duty thus early to apprise the Commissioner of the fact, that they may communicate it to the Executive.

I find some difficulty in finding good hands, in this busy time of harvesting, to go out with me, but hope to be able to set out on Wednesday next to complete the survey of the rivers.

I am respectfully,  
your ob't servant,

EPH. H. MAHURIN.

Gen. Joseph Low.

P. S. Magallow river is the main branch of the Androscoggin river.

## DEPOSITIONS.

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### *Depositor of Ephraim H. Mahurin.*

I Eph. H. Mahurin, of Columbia, Coos County, N. H. depose and say, that in August last past, I was employed by Gen. Jos. Low and others, the Indian Stream Commissioners, as a Surveyor to examine and survey the sources of the several Branches of Connecticut River and the heights of land adjacent as set forth in the survey of the State's Commissioners in the year 1789—That accompanied by Gen. Ira Young, James M. Hilliard and others as packmen, &c. I proceeded to Lake Connecticut and from thence to the second Lake so called, which we explored, and the various small streams leading into it; from thence we crossed the highlands to the easterly line of the State of New-Hampshire, which line we followed, crossing many small streams running eastwardly into Magalloway river, which is a large branch of Androscoggin river, until we reached the northeasterly corner, which we found to agree with Col. Jeremiah Eanes' Journal of the Survey in 1789, being marked on a Birch tree and the marks on the same corresponding, as far as legible from age, with those noted in the Journal of said Survey. We then followed his line and found the points of compass and distances to agree with his Journal and field book, for about eight miles, which led us to a point considerably north and west of the upper Lake or Pond, and also of all the waters running into the same. We found two or three very small brooks running into said Pond from the north, which, we judged, were none of more than one half mile in length, and the lands to the north very high, and the heights lying in rather a circular form in a northerly direction.

We then run and marked a line due west to Indian Stream, which we found, where we crossed it, sufficiently large for mills at a good pitch of water, and then run, measured and marked a line due west from thence to Hall stream, on its easterly branch, being much the longest branch of said stream,

and found the distance between the streams to be three and one half miles and ten rods.

We then run on three miles west, crossing two small brooks evidently leading into the east branch of Hall Stream, and over some high land, and at the end of three miles came to waters leading into Clifton river in Lower Canada at the point marked "C" on the plan exhibited.

We then surveyed the stream from the mouth of Indian stream to the mouth of Hall stream and then surveyed Hall stream from its mouth to the source of the easterly branch, and found it to be eighteen miles and twenty two rods in length, and surveyed Indian Stream from our west line to its source.

On the accompanying plan, the river between the mouths of Indian and Hall streams, the whole of Hall stream and that part of Indian stream northerly of our west line are laid down from actual survey and admeasurement. Indian Stream from said line to its mouth, and the lakes and waters leading into and from them, as also Perry stream and Magalloway river and their branches, are laid down from examination and not from actual survey and admeasurement.

From our examination, it is rendered certain that the State's committee, who run the line in 1789, mistook the waters of Magalloway for waters running into the St. Francis and supposed they were on the highlands according to the treaty, when in fact they were on the highlands dividing the waters of Magalloway and Connecticut rivers, and that between the line then marked and the actual highlands according to the Treaty, lies a large tract of land on the waters of said Magalloway, which, according to any reasonable construction of the Treaty, must be within the United States, and appeared to be valuable land.

The heights of land contemplated by the Treaty, as laid down on the plan, are one continuous chain of mountains, ranging about northeast and southwest as far as we could see to the northeast, but are not as high when you get near to the point "C" on the plan. They are probably not laid down so far from the line run by the Committee on the plan as they ought to be except at the point marked "D", where the location is exact.



The lands around the upper lakes and on the easterly line of the state to the corner, and on the line on the highlands as run by the committee in 1789, are of very little value. The lands adjoining lake Connecticut and between said lake and the mouth of Indian stream and around Back lake are a considerable portion of them good lands for cultivation and settlements are interspersed in various directions.

The lands on the easterly side of Indian Stream, for some distance from its mouth nearly to its source, are various in quality, but a considerable portion of good land, and there are some extensive intervals on said stream.

The lands between Indian and Hall streams are more uniformly of the first rate quality of upland than any I have seen in the same quantity together any where in this county, and I believe there is no town in this part of the country where the upland is so uniformly good for cultivation.

October 24th, 1836.

EPH. H. MAHURIN.

Coos ss. October 25th, 1836. Personally appearing Ephraim H. Mahurin and made solemn oath that the foregoing deposition by him subscribed is true.

Before me, IRA YOUNG, Justice of the Peace.

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*Deposition of Ira Young.*

I, Ira Young, of Colebrook, in the county of Coos, and State of New-Hampshire, do depose and say, that in August, 1836, at the request of Gen. Joseph Low and Col. John P. Hale, I accompanied Ephraim H. Mahurin, Esquire, who had been employed by them as surveyor, to ascertain the North East and North boundaries of the State of New-Hampshire, and also to find the line, if any, run by a Committee appointed by the Legislature of said State in 1789, composed of J. Cram, Jeremiah Eames, Col. Hoit and others. We repaired to Indian Stream Territory, and after having explored the Lake above Lake Connecticut, or second Lake, so called, we went East to the line between the States of Maine and New-Hampshire and followed that until we came to the birch tree, which was marked by said Committee as the North East corner of the State of New-Hampshire, and found upon that tree an-

cient marks similar to those described to have been put there by said Committee, some of which were "1789" "J. E." "M 54"—That said tree stands some distance from the top of the range of highlands, upon which it is situated. James M. Hilliard and myself went to the top of the height to see if the waters running into the St. Lawrence, Canada, run in the valley between that height and the height next beyond Northerly.— That we ascertained from that examination and from other information, that the stream in said valley which there tended Easterly, was a branch of the Magalloway which empties into the Androscoggin river—That we returned to said birch tree and from thence we followed and measured the line made and spotted by said Committee, I carrying one end of the chain, six miles. That said line was on the highlands south of said Magalloway branch and found the courses and distances indicated by said Committee in 1789, to be correct. We thought it unimportant to measure any further. We chained no farther, but followed said line, which was very distinct in most places, although made so many years since. Said line led us within five or six rods of a circular pond from which the waters run through the second Lake into Lake Connecticut, and thence into Connecticut river. Said pond is about one mile in circumference and is sometimes called the third Lake and is surrounded by quite highlands. Said Hilliard and myself went Northerly from said pond to the top of the heights. We judged it from six to eight miles from that height to the next height Northerly and we were satisfied from our examination that the branch of the Magalloway before spoken of as running in the valley North of said birch tree continued on in the valley North of said pond, running from the West tending Eastwardly. From the said pond to said first heights is perhaps one hundred rods, perhaps one mile. From thence said Hilliard and myself went Westerly and in the course of from one to four miles we crossed three or four branches of said Magalloway, small streams running Northerly into said valley Northerly of said pond. In that course we came upon a very large and extensive piece of flat land, out of which some of the branches of Magalloway flowed and also a branch of the Indian Stream, all running Northerly. Said branch of Indian Stream and our branch of Magalloway were near together. We went North of all the waters that flowed into said pond, but came to the conclusion from what we could see, that some waters running

into said pond took their rise in the south part of said flat land and also that some of the Magalloway waters rose south of the waters running into said pond. We found the rest of our party who had followed said Committee's line some four or five miles westerly of said pond, from whence we took a due west course until we struck Indian Stream where it was something of a mill stream, some one and a half to two rods wide, and spotted our line west to that place and from thence we returned home.

The distance from the height on which said birch tree stands before mentioned as designated by said Committee in 1789, as the Northeast corner of the State, to the next height North, is as near as I could calculate without measuring, from six to eight miles. The heights last mentioned tend Easterly and Westerly.

IRA YOUNG.

Coos, ss. October 22, 1836. Personally appearing Ira Young and made solemn oath that the foregoing deposition by him subscribed, is true.

Before EPH. H. MAHURIN, Justice of the Peace.

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*Deposition of James M. Hilliard.*

I, James M. Hilliard of Colebrook, in the County of Coos and State of New Hampshire, of lawful age, depose and say, that in August 1836, I was employed by Gen. Joseph Low to accompany Ephraim H. Mahurin, who was employed by him as Surveyor, as a guide, &c. to ascertain the East and Northern boundary of the State of New Hampshire. That we went to the line between the States of Maine and N. Hampshire, followed that until we arrived at the Birch Tree which was marked as and for the Northeast corner of the State by a State Committee in 1789. That I examined for the purpose of ascertaining what waters run in the valley Northerly of said birch tree, and from that examination and from my former acquaintance of the waters of Magalloway river south of that spot, I have no doubt that the waters running in that valley are the Magalloway waters, which river Magalloway empties into the Androscoggin River. That the distance from said birch tree to the next heights north is, as near as I can calculate it

without measuring, between 7 and 8 miles. And I have no doubt that height divides the waters which run into Androscoggin and into the St. Lawrence rivers.

That we followed the river as established by said committee in 1789, commencing at said birch tree, running southerly and westerly about seven miles to the pond or third Lake, which is above and connected with Lake Connecticut. That I made a farther examination north of the heights which are near said pond, to ascertain what waters run in the valley North and West of the waters running into said pond. That I ascertained to my satisfaction from examination and otherwise, that the waters running North and West over the heights North of said pond, were the Magalloway waters, which running Northerly and Westerly are a continuation of the waters spoken of as running North of said birch tree. And I have no doubt that the waters North of said pond are the Magalloway waters.

From the best calculation I could make without actual admeasurement, that from said pond to the heights North dividing the waters of the Magalloway and the St. Francis which empties into the St. Lawrence, the distance is seven or eight miles, and that those heights tend Easterly and Westerly.

That the branches of the Magalloway which run about one hundred rods North from said pond or some of them, have their rise about four or five miles West of the small streams which run into said pond and that one branch of said Magalloway and one branch of Indian Stream have their rise near together.

That we run due West from near said pond and as far North as the head waters of the small streams which run into said pond, about 6 miles and struck Indian Stream, which stream at that place was sufficiently large to carry a mill—about one and a half or two rods wide. I left said stream on my return home. I have been on hunting excursions heretofore up said Magalloway waters within a short distance of the Northeast corner of the State before mentioned and know from having descended it that it was the Magalloway water.

JAMES M. HILLIARD.

Coos ss.—October 1, 1836. Sworn to before me.

IRA YOUNG, *Justice of the Peace.*

*Deposition of John Hughs.*

I John Hughs, of Canaan in the county of Essex and State of Vermont, depose and say, that some time in the year A. D. 1820 or 1821, I was employed by Dr. Turk and a Mr. Carlisle, British surveyors, to go with them and survey the Connecticut river from the forty fifth degree of North Latitude to its source. Accordingly we commenced at Col. Jeremiah Eames' in Stewartstown and surveyed up the Connecticut river on its East side till it is intersected by Hall's stream, when we crossed over to the other side and ran up to the first Lake which is called Lake Connecticut, which Lake we surveyed and surveyed the river from said Lake up to the middle or second Lake which we also surveyed, and surveyed the stream which appeared to be the largest, and which led from the third pond, situated about 5 or 6 miles above the second pond and about one mile long and about one half or three quarters of a mile wide. There were two streams running into this pond, both of which we measured, one was less, and the other more, than a half mile long.

When we arrived at the source of the largest brook which ran into the pond and could find no running water any further up, Mr. Carlisle remarked that Judge Chipman had told them to run up to the last drop of running water in the main branch of Connecticut river, and that having done that, we might put up our chains as there was no further use for them, which we accordingly did.

After we had surveyed to the source of these waters as I have stated, we returned to the camp which was at the last named little pond at the head of Connecticut river as now called, and one Brockway who accompanied us, told the British surveyors that the St. Francis waters were just over the hill upon the side of which we had surveyed. I then asked said Brockway how long he had been in this country, and he replied eighteen months. He made answer that I had hunted over that very country for more than twenty years, and that I knew the St. Francis waters were not to be found within eight miles. We then returned to the source of the stream which we had surveyed, and there the surveyors made marks upon the trees, and set their compass and indicated a due West,

upon which we went without measuring the distance, till we intersected the middle branch of Indian Stream, at a place large enough for a small mill-stream, so large that we were under the necessity of cutting a tree to make a bridge to pass over the same. When we intersected this stream Dr. Turk and Mr. Carlisle went away some rods distance out of hearing but not out of sight, and tarried some time, when they returned and told me to pilot them the best and nearest way to Col. Eames', which we accordingly did. This was all I had to do with surveying about the line between the United States and Canada. On this expedition we were accompanied by no American Commissioner or Surveyor, nor indeed by any American except myself and a few others who were hired by them as assistants.

I was seventy years old last May.

JOHN HUGHS.

State of New-Hampshire, Coos ss. August 4, 1836.

Sworn to before me

JOHN P. HALE, Justice of the Peace.

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*Deposition of Rufus Brockway.*

I Rufus Brockway of Indian Stream settlement in the county of Coos and state of New Hampshire, depose and say that about the year 1820, I was employed by Mr Carlise and Dr Turk, British surveyors, to go with them and survey Connecticut River above the forty fifth degree of North Latitude.

We accordingly commenced our survey on the west side of Connecticut River at the 45th degree of North Latitude and run up the Connecticut River to Lake Connecticut, we then surveyed said Lake, then proceeded to measure, up stream, the main branch which ran into said Lake, about four miles to a second Lake or pond which we also surveyed. There were three streams which ran into this second lake or pond and we selected the westerly one, judging that to be the largest, and surveyed that up about seven miles to a third lake or pond, being about one mile long and a half mile wide, according to my judgment.

This last or third pond we also surveyed, and surveyed the largest stream which ran into this third pond about the distance of one mile when we came to the high land.

After we had come to the source of the last stream which we surveyed we ascended the height of the high land there, and Mr Carlisle set his compass and found the due West course, upon which course we then continued our survey and ran till we struck a small stream which proved to be Indian Stream, we ran across that stream and continued our course till we intersected another stream large enough for a mill stream, which we found was Hall's stream. When we came as above stated to Hall's stream, Dr. Turk remarked that it was of no use to proceed any farther, as there could be no doubt that this stream was the one which extended farthest to the northwest and we had better return immediately to the 45th degree of north latitude, and he directed the guide to proceed to the nearest inhabitant, which he did, and we all went to the house of one Joseph Weston, in the township of Hereford, in the province of Lower Canada, where we tarried all night, and the following day returned to the house of Col. Eames, near the Connecticut river, about one mile south of the 45th degree of north latitude, where Dr. Turk settled with the men who accompanied him on the expedition.

In May 1821, I received a letter from Dr. Turk informing me that he wished me to accompany him on another surveying expedition. I immediately went to Col. Eames' as requested in the letter, and there met Dr. Turk who told me he wanted me to go with him and survey Leach's stream and see if that did not extend farther to the Northwest than did Hall's stream. Accordingly we went and commenced surveying Leach's stream and continued it till we came to its source. We then took a due East course and proceeded till we intersected Hall's stream a little above where we intersected on the former rout when we were surveying Westerly. We still found that at the place where we now intersected it, it was quite a large stream, large enough for a mill stream. Dr. Turk again remarked that Hall's stream was the one which extended farthest to the Northwest and that it was of no use to proceed any farther and directed the guide to lead them to

Col. Eames', where he again settled with the men who accompanied him.

On the following morning Dr. Turk remarked to me that when we first surveyed Connecticut river we had no means of ascertaining that the stream running into the second lake or pond which we took for the largest, was actually so, as we did not survey but one of them, and he wanted to go and survey another of them, and see if we could from the source of that, run a due West course North of Hall's stream. Accordingly we went to the second lake or pond mentioned in our first surveying expedition and commenced surveying the Eastern stream which emptied itself into the second lake or pond aforesaid and surveyed it to its source. We then took a due West course and ran on it till we again intersected Hall's stream not far from the places where we had formerly intersected it on our two former expeditions. Dr. Turk again remarked as he had twice before that it was of no use for him to proceed any farther, for Hall's stream was the one which came the farthest from the Northwest and must ultimately be the prevailing stream, and we then returned to Col. Eames', and Dr. Turk settled with me.

RUFUS BROCKWAY.

State of New-Hampshire, Coos ss. August 3, 1836.

Then Rufus Brockway above named personally appeared and made oath that the above deposition by him signed is true. Before me

JOHN P. HALE, Justice of the Peace.

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*Deposition of Luther Fuller.*

I Luther Fuller, of Colebrook in the county of Coos and state of New-Hampshire depose and say, that in the year 1785 I hunted on Indian Stream territory for Maj. Whitcomb and afterwards in 1789 I went with the N. H. Committee for locating the lands belonging to the state in the North and East part of said state. That ever since 1785, I have been acquainted with said territory, having resided most of that time in this section of the state. I have always understood the same to belong to the state of New-Hampshire and always



supposed the line as run in 1789 as fixing, locating and establishing that territory as within the state, and never heard it questioned until within a year or two, and I never knew of any claim made during that time by the British or Canadian government until within a year or two, of that territory.

That about thirty years since, Levi Willard a sheriff of Coos county attached and drove away a number of oxen and cows and young cattle from said territory belonging to a person of the name of Smart, who resided at said Indian Stream, and I have heard of services having been made in said territory ever since by sheriffs or their deputies, of Coos county. From my knowledge of Hall's stream, Indian stream, and the streams running into the ponds and lakes connected with lake Connecticut, having been on these streams in 1789 with the Committee, and having hunted there before, I have no doubt that Hall's stream runs farthest Northwest of either of said streams.

#### LUTHER FULLER.

Coos, ss. August 9, 1836. Personally appearing Luther Fuller, and made solema oath that the above deposition by him subscribed is true. Before me,  
IRA YOUNG, Justice of the Peace.

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#### *Deposition of Luther Fuller.*

I Luther Fuller, of Colebrook in the county of Coos, do depose and say, that in the year 1789 I was employed by Jeremiah Eames, a Mr. Cram and a Mr. Hoit who had been appointed commissioners by the state of New-Hampshire to ascertain, run out and mark the northwestern and northern bounds of New-Hampshire. I accompanied them on this expedition. In the month of March we ascended Hall's stream about fifteen or seventeen miles from its mouth, and there we erected a monument.

When we had arrived at this point, supposing that we had got above the other head waters of the Connecticut, we left Hall's stream and took an east or northeast course till we reached the highlands that divide the waters that run into St. Francis river from those that run into the Connecticut. I think

that we went about fifteen miles from Hall's stream east of northeast on to the highlands and here we erected a monument, and then returned.

In the fall of the same year we went to Fryeburg, now in the state of Maine, and run north on the line between, then Massachusetts, now Maine, and New-Hampshire, till we again came to the highlands that divide the waters of the St. Francis from those of Connecticut river in this state. Here we fell and girdled trees and erected a monument for the northeast corner of New-Hampshire. Thence we run west, following the highlands till we came to the monument we erected on the said highlands in March before, when we went up Hall's stream.

Messrs. Eames, Cram and Hoit are all dead, and I believe all the company except Theophilus Cutler and David Smith, who live somewhere in Vermont, and myself.

Several years since, the state of New-Hampshire commenced prosecutions against one Ebenezer Fletcher and some others for intruding upon lands in Indian stream territory. Col. Eames was witness on the trials, and I heard his testimony, and he swore to the facts above stated. I was also a witness and swore to the same.

I further say, that in following the highlands from the northeast monument we erected, west, we pass above all the head waters of the Connecticut or the streams emptying into the Connecticut till we come to Hall's stream. I well recollect we passed above all the waters of Indian stream which was then considered the main branch of Connecticut river, though there was but little difference in the size of the three branches.

**LUTHER FULLER.**

State of New-Hampshire, Coos ss. August 3, 1836.

Sworn to before me,

**JOHN P. HALE,** Justice of the Peace.

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*Deposition of Jesse Carr.*

I Jesse Carr, of Colebrook, in the county of Coos and state of New-Hampshire, depose and say that as early as the year 1808 I have known Levi Willard at that time sheriff of

this county frequently to go to Indian stream territory for the purpose (as he said) of serving judicial process on some of the inhabitants there, and on one occasion I knew said Willard to go with a writ or process, as he then told me, against one Nathaniel Wales of said Indian stream, and I saw him return with said Wales in his custody. I further depose and say that I have for about thirty years been well acquainted with Indian stream territory, and I never knew or heard of any other authority claiming to have any jurisdiction over said territory except the state of New-Hampshire, till within about one year, in which time I have heard that one Alexander Rea has been there asserting the claim of Lower Canada.

I further depose and say, that in the year 1821 I was with Dr. Turk and Mr. Carlisle, British surveyors, to survey the line between this state and Lower Canada, and that Dr. Turk then remarked that Indian stream would be the one ultimately fixed upon as the boundary line, because that was the one most northwesterly and the one first intersected by the highlands, running the course indicated by the treaty.

I further depose and say, that I am well acquainted with the general reputation of Alexander Rea of Hereford, and it is bad. One reason why I remember accurately the time when said Willard went into said territory for the purpose of serving process on inhabitants of Indian stream as aforesaid, is that immediately previous to that I had been specially deputed by said Willard to serve a warrant on an inhabitant of said territory and went there for that purpose, but not finding him, returned having made no service. I was appointed a deputy sheriff of this county about the year 1809 and continued in said office over seven years.

JESSE CARR.

State of New-Hampshire, Coos ss. August 18, 1836.  
Sworn to before me,

JOHN P. HALE, Justice of the Peace.

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*Deposition of Ebenezer Fletcher.*

I Ebenezer Fletcher, of Indian stream in the county of Coos and state of New-Hampshire, depose and say that

I have resided where I now do for the last twenty-four years, and I never knew or heard of any other power or authority than the state of New-Hampshire exercising or claiming to exercise any jurisdiction over this territory till some time in the year 1835 I understood one Alexander Rea had been into the settlement claiming that the territory belonged to Canada. I have frequently known the sheriffs from New-Hampshire come here to serve legal process, but I never knew any officer from Canada come here or attempt to come here with any such purpose. The inhabitants of this settlement, have generally, till within about fourteen months, claimed to constitute a settlement subject to the general jurisdiction of the United States, but not within the limits of any particular state, but I never knew or heard of any of the inhabitants claiming to belong to Canada till the time I have before mentioned, viz. some time in 1835. I do not know where the line run by the committee of the N. H. Legislature in the year 1789 is, but I have been told by Thomas Eames, who has been dead about five years, that he "was the surveyor who went with said committee, and that the line which said committee established followed the highlands on a westerly course till it met the head waters of Hall's stream," and the limits of this state have always been reputed and considered as extending thus far.

**EBEN'R FLETCHER.**

State of New-Hampshire, Coos ss. August 11, 1836.  
Sworn to before me,

**JOHN P. HALE,** Justice of the Peace.

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*Deposition of Gideon Tirrill.*

I, Gideon Tirrill of Clarksville, in the County of Coos and State of New Hampshire, depose and say that since the 7th day of March, A. D. 1825, I have been a Justice of the Peace for said County of Coos. I have for twenty two years resided where I now do within four miles and a half of Indian Stream, and during all this time I have never known or heard of any other government than the State of New Hampshire exercising or claiming to exercise any jurisdiction in

any way or manner over said territory, till sometime in the month of June, A. D. 1835, I understood one Alexander Rea had claimed the territory as belonging to the Province of Lower Canada, and on that ground had sent a warrant there against Luther Parker one of the inhabitants by which he was seized and carried out of the State. I have married a number of couples from said Indian Stream, and I never knew or heard of any of the inhabitants going to Canada to be married, or having a clergyman or magistrate to marry them there from Canada. I have known the inhabitants of Indian Stream as long since as nine or ten years to obtain the bounty paid by this State for the destruction of Wolves, whenever, they destroyed any.

Sometime in October last Clark J. Haines come to my house and informed me that a mob from Canada had been over and taken Richard I. Blanchard and were carrying him to Canada. This report excited very general indignation in this neighborhood, and there was a general turn out for his rescue, myself among the number; but when I arrived at the store of Parmelee & Joy in Canaan; Vermont, I found that said Blanchard had already been rescued, and he was then there at said store.

After we had been some time at said store, an advertisement was exhibited offering a reward of five dollars for the apprehension of one John H. Tyler, who had previously been arrested by one William M. Smith, a deputy sheriff of this county, and rescued from him by a mob at Indian Stream.— A party accordingly started after said Tyler, but I did not hear the name of Alexander Rea, or of any other individual, mentioned, as an object of pursuit, except said John H. Tyler.

When this party returned, they brought back said Alexander Rea with them. I did not go into Canada that day for any purpose.

**GIDEON TIRRILL.**

State of New-Hampshire, Coos, ss. August 9, 1836.

Sworn to before me.

**JOHN P. HALE, Justice of the Peace.**

*Deposition of David Kent.*

I, David Kent, of Stewartstown, in the county of Coos, and state of New-Hampshire, depose and say, that I am a regularly ordained Elder of the Freewill Baptist church, and as such duly qualified, by the regulations of said church and the laws of the state of New-Hampshire, to solemnize marriages. I am now in the sixty-fifth year of my age, and have resided more than eighteen years in this town, and have been all the time well acquainted with Indian Stream and its inhabitants, and I never knew or heard of any other government, except the state of New-Hampshire, exercising or claiming to exercise any jurisdiction over said territory, till about the time that one Alexander Rea was said to have been claiming the territory as belonging to Canada, not far from two years since. During all this time, the inhabitants of said Indian Stream territory have been in the habit of coming into this county for the purpose of being joined in marriage, and never, so far as I have learned, have they gone to Canada to be married, nor has any marriage ever been solemnized there among them by any one deriving authority from the church or civil authority of Canada. I have married as many as five couple from said Indian Stream territory, and about four years since I joined in marriage at said Indian Stream, on the Sabbath day, Samuel Drown to Deborah Hyland. This was in presence of most of the inhabitants of said Indian Stream territory, when they were assembled for religious worship, and I heard no objection made or suggested by any one on account of my want of authority, it being derived from New-Hampshire.

DAVID KENT.

State of New-Hampshire, Coos ss. August 5, 1836.

Sworn to before me

JOHN P. HALE, Justice of the Peace.

*Deposition of Samuel Danforth.*

I, Samuel Danforth, of Indian Stream, in the county of Coos, and state of New-Hampshire, depose and say, that I am fifty-two years of age, and for the last sixteen years have

resided at Indian Stream, and during all that time I never knew any other government than the state of New-Hampshire exercise or claim to exercise any jurisdiction over said territory in any way or manner, either by sending judicial process there to be served, or in any other way, till one Alexander Rea came in there claiming the territory as belonging to Canada, about the middle of June, A. D. 1835. While I have lived there, the inhabitants, when they killed a wolf, or any other creature for whom a bounty is offered by the laws of New-Hampshire, have uniformly gone into New-Hampshire for said bounty and have uniformly received it.

About a year since, as near as I can recollect, said Alexander Rea addressed the inhabitants of said Indian Stream, at a meeting holden at the school house, and as I am partially deaf, I did not hear all he said, but remember distinctly, that one object of Rea was to have some individuals recommended by the inhabitants for the appointment of justices of the peace.

SAMUEL DANFORTH.

State of New-Hampshire, Coos ss. August 9; 1836.

Sworn to before me.

JOHN P. HALE, Justice of the Peace.

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*Deposition of John Harriman.*

I, John Harriman, of Stewartstown, in the county of Coos and state of New-Hampshire, depose and say, that I now live and for the last sixteen years have resided in said Stewartstown, within about four miles of Indian Stream settlement, except about five or six years of the time which I have resided in Clarksville, a town yet nearer to said Indian Stream settlement. During said sixteen years I have been well acquainted with the inhabitants of said Indian Stream territory, and for the greater part of the time resorted there altogether for the purposes of procuring my lumber sawed at the saw mill, and my grain ground at the grist mill, and occasionally for other purposes. During the whole of said period I never knew of the authority of the Province of Lower Canada, or of any authority except the state of New-Hampshire, exercising or attempting to exercise any jurisdiction there, until sometime in

the year 1835. I then heard, for the first time, that some individuals began to talk about the territory belonging to the Province of Lower Canada. In the course of that year, in the month of September (I think) I understood, casually, that there was to be a meeting in the territory for the purpose of nominating individuals to be recommended to the British authority for the appointment of magistrates. This meeting was to be holden on the Sabbath, and as I learned there was an adjourned meeting from one holden the day previous. I went to attend said meeting from motives of curiosity solely; and when I arrived there, I found that the principal man of said meeting was one Alexander Rea, of the town of Hereford, in the Province of Lower Canada. All the principal measures adopted or advocated, were brought forward by this individual. I well remember that said Rea at said meeting frequently assured the individuals there assembled in said meeting that they should be protected by the government of Lower Canada against the encroachments of New-Hampshire, and he recommended to them to raise a committee to report to the government of Lower Canada, all the encroachments of New-Hampshire, as fast as they should occur, which was accordingly done. I further depose and say that during said time I have known the inhabitants of said Indian Stream territory frequently to resort to Stewartstown aforesaid for the purpose of being joined in marriage, but I have never known or heard of said inhabitants, any or either of them, going to Canada or any other place except New-Hampshire for the purpose of being married. I further depose and say that I do not know where the line, established by the committee of the N. H. Legislature in the year 1789 or 1790 is; except by general reputation, which always has been that the line extended along the highlands dividing the waters of the Atlantic from the St. Lawrence, till the intersection of said highlands with the head of Hall's stream, and the jurisdiction of New-Hampshire has been considered and reputed as extending thus far.

I am acquainted with the general reputation of said Alexander Rea, and have no hesitation in saying it is not good.

JOHN HARRIMAN.



State of New-Hampshire, Coos ss. August 8, 1836.

Sworn to before me.

JOHN P. HALE, Justice of the Peace.

I further depose and say, that in April, 1836, I saw and had a conversation with one Flanders, the son of Zebulon Flanders, of Hereford, Lower Canada. He is a young man of about eighteen or twenty years of age, and appeared to be a fair, candid young man. He said he was at Alexander Rea's house the day in October last that Richard I. Blanchard was rescued by a party from New-Hampshire; standing near Rea's house before said Rea was taken and carried to Canaan and when he came out of his house with Zacheus Clough and Barnard Young—said Rea had received information that two men had come over the line from the United States and were not far from Rea's house, as said Flanders informed me he understood. Rea said to Young and Clough "when I tell you hitch upon them"—meaning one Miles Hurlburt and E. C. Aldrich, who were then below said Rea's house. Rea passed hastily along, as said Flanders represented, that Rea advanced upon Hurlburt and Aldrich and they retreated several rods, he said Flanders being in sight of them at that time.

When said Rea was at Parmelee & Joy's, at Canaan, I heard a conversation between Alexander Rea and the said E. C. Aldrich. Said Aldrich said to Rea, "dont you take my horse again by the bridle when I am in the highway peaceably." Rea answered, "that he had a right as it was a riot." Aldrich said he thought not as it took more than two by the laws to constitute a riot. Rea replied, it was approaching a riot, or something to that effect, which was all I heard upon the subject.

JOHN HARRIMAN.

State of New-Hampshire, Coos ss. August 8, 1836.

Sworn to before me.

JOHN P. HALE, Justice of the Peace.

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*Deposition of Nathaniel Perkins.*

I, Nathaniel Perkins of Indian Stream in the county of Coos and State of New Hampshire, depose and say, that I have

lived where I now do twenty two years, and during all the time I never knew or heard of any other authority or government exercising or claiming to exercise any jurisdiction here except the State of New Hampshire till sometime in the year 1835, one Alexander Rea sent into the settlement, claiming that the territory belonged to Canada. Sometime the last of September or first of October last past said Alexander Rea sent a letter to Jeremiah Tabor and several other inhabitants of Indian Stream, which letter was shown to me, although it was not directed to me, requesting them to notify the inhabitants that he should meet them at a school house in the settlement on the then following Saturday at 4 o'clock P. M. and also on the Sabbath following at another school house in the settlement, at one o'clock P. M. if it was thought best and that he would meet them and lay before them more communications from his Government. I state the contents of this letter from recollection, not having it in my possession. The meetings were notified and holden accordingly and said Rea attended and read some communications which he said were from Lord Gosford the Governor of Lower Canada through his private Secretary to Mr Moore the Representative of St. Francis, stating among other things that the territory was considered by the Government of Lower Canada belonging to them as much as any part of the District of St. Francis, and the inhabitants would be protected by said Government against the encroachments of New Hampshire or any other Government. He then suggested the propriety of the whole inhabitants, or a committee to be raised for that purpose, signing a paper thanking Lord Gosford for the notice he had taken of them and requesting further assistance; he also proposed that a committee be raised to report to the government of Canada any encroachments which might be made upon them by the State of New Hampshire. He then made remarks to the meeting of a similar character, assuring the inhabitants of the protection of the Government of Canada. He also proposed that a committee be appointed to nominate suitable individuals to be recommended for the appointment of Justices of the Peace, which was done accordingly.

After this meeting was over, I had a conversation with said

Rea upon the subject, and warned him against the course he was taking, begged him to desist, for he would only make difficulty, told him the measure the Legislature of this State had taken to assert and maintain jurisdiction over the territory, to which he replied that the state of New Hampshire would not be so foolish as to interfere again after *what he had done*.

I have no hesitation in giving it as my opinion that all the difficulties which have taken place in this neighborhood for the last two years have arisen from the meddling and interfering officiousness of said Alexander Rea.

NATH'L PERKINS.

State of New Hampshire, Coos ss. August 10, 1836.—  
Sworn to before me.

JOHN P. HALE, Justice of the Peace.

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*Deposition of Horace Loomis.*

I, Horace Loomis of Colbrook in the county of Coos and State of New Hampshire depose and say that in the year of our Lord 1825, I was appointed a Deputy of the Sheriff of said county of Coos and that year or the one ensuing I had a writ put into my hands against Clark I. Haynes, and about the same time two or three writs against Rufus Brockway and also one writ against John McConnell, all residents in Indian Stream territory, and also divers writs against several others resident in said territory. All of which precepts I served, some by attaching property and some by arresting the body of the defendant, and at no time nor on any occasion did I hear any objection made to the service of any or either of said processes by any one on occasion of any real or pretended claim of the Government of Lower Canada or any British authority, to have any jurisdiction over said territory. And I further depose and say that I continued to act as Deputy Sheriff for said county until May, 1834, and during the whole time of my so being Deputy Sheriff as aforesaid, I occasionally from time to time served process in said territory or settlement as they were put into my hands and I never heard during the whole of said period any claim of the British authorities to have control or jurisdiction over said territory or settlement.

I further depose and say, that sometime in the year 1826 or 1827 I had a writ against said Brockway and made a prisoner of him, but he was rescued from me by some of the inhabitants of the settlement. I returned the writ to court with a return thereon stating the facts precisely as they took place. Execution thereupon issued, was put into my hands for service and I collected a sufficient force in the county, went into the territory and made service of the same by arresting said Brockway and bringing him away and committing him to jail in Lancaster in this county. I further depose and say that I have on other occasions made service of executions on the inhabitants of said territory by attaching and selling personal property.

HORACE LOOMIS.

State of New-Hampshire, Coos ss. October 7th, 1830

Then the said Horace Loomis personally appeared and made oath that the above deposition by him subscribed is true. Before me, IRA YOUNG, Justice of the Peace.

*Deposition of Francis Willson.*

I Francis Willson, of Guildhall, in the county of Essex and state of Vermont, depose and say, that in the year 1821, I was appointed a deputy of the sheriff of the county of Coos in the state of New-Hampshire, which office I continued to hold about seven years. I resided at Colebrook, in said county of Coos, for nearly three years immediately following my said appointment, and during said time I served various processes on inhabitants of Indian Stream territory. And during said time, I never heard of any claim to jurisdiction over said territory or its inhabitants by any other power than the state of New-Hampshire. Many of the inhabitants of said territory were reputed and considered to be a lawless set, opposed to the enforcement of any law, and the place at that time from its remote situation was supposed to be a place of resort for those who found it inconvenient to reside in that part of the country where debts could be collected by legal process, and the criminal law duly enforced.

FRANCIS WILLSON.

State of New-Hampshire, Coos ss. August 6, 1836.

Sworn to before me.

JOHN P. HALE, Justice of the Peace.

*Deposition of Hezekiah Parsons.*

I Hezekiah Parsons, of Colebrook in the county of Coos and state of New-Hampshire, one of the Justices of the Peace of said county, and late member of the New-Hampshire Legislature, do depose and say, that I have resided in this town about forty five years and am well acquainted with the Indian Stream territory. In the year 1817 or 18 I was deputy sheriff in said county, and had precepts against persons residing in said territory, and I went there for the purpose of serving the same by attachment of property, but could not find such as I was directed to take. The territory was then, and had been deemed by most people as belonging to N. Hampshire. I recollect that in 1807 I was a member of the N. H. Legislature, and there was then a petition before said legislature praying the state to relinquish their claim to said territory, which was refused. Since the time I have referred to, in 1817 or 18, I have often heard of precepts being served in the Indian stream territory, issued by the authorities in New-Hampshire and served by their officers.

Some time about the year 1820, I was employed by the attorney general of the state to ascertain the lines and bounds of certain settlers on the territory for the purposes of judicial process. In attending to this duty I was aided and assisted by the inhabitants of the territory. I recollect that the names of Mr. Higland and Mr. Fletcher were two of the persons against whom process was instituted, who resided between the Indian Stream and what is now called Connecticut river.

HEZEKIAH PARSONS.

State of New-Hampshire, Coos ss. August 2, 1836.

Then Hezekiah Parsons personally appeared and made oath that the above deposition by him signed is true. Before me,

JOHN P. HALE, Justice of the Peace.

*Deposition of Ira Young.*

I, Ira Young, of Colebrook, in the county of Coos and state of New-Hampshire, attorney and counsellor at law, depose and say, that in the year 1819 I opened an office at Colebrook, remained until 1820 or 1821, when I removed to Bath, and in 1825 or 1826 returned again to Colebrook, where I have resided ever since. That occasionally ever since 1819, I have made writs and other processes against persons residing at Indian Stream, which have been served there by deputy sheriffs of Coos county, some of which have been settled and upon some I have obtained judgments in our courts. That from 1819 until within one or two years, I never heard that the Canadian or British Government ever laid any claim to jurisdiction over said territory, or that any of the residents at Indian Stream claimed to be within their jurisdiction. The majority of the population there, during the most of that time, was composed of individuals who had gone there to avoid debts or being pressed for the payment of them, claiming at Indian Stream, sometimes to be within the state of Vermont, sometimes in the state of Maine, sometimes without any state, and to be in a territory belonging to the United States, and solely under the jurisdiction of the United States and sometimes to be independent, as not being within the territory of the United States or of the Province or Provinces of the British government. In October 1831, proceedings were instituted, in which I was counsel, under our statute "to provide for the maintenance of bastard children," in the name of one Melissa Thurston of said Indian Stream against Moody Haynes of said Indian Stream, in which the said Melissa charged the said Moody Haynes of being the father of the child of which she was then pregnant, and that it was begotten in April 1831 at said Indian stream. The said Haynes was arrested and bound over to appear at the court of Common Pleas, Coos county, September term, 1832, at which term Haynes appeared and pleaded to the jurisdiction of said court, because the cause of complaint, accrued to the said Melissa "at Indian stream and on the west side of Connecticut river in the territory of Indian Stream," without the jurisdiction of the court, &c. The complainant replied that the cause of complaint accrued within the county of Coos, within the jurisdic-

tion of the court, &c. The prosecution was pending until the old court of common pleas was abolished, and the present court established, and the jurisdiction of the present court of common pleas sustained, by the concurrence, as I understood, of the Judges of the superior court, and before the term for which the prosecution stood for trial, the same was settled by the parties and dismissed. The plea to the jurisdiction was overruled, on the ground that years before, the question had been settled in the superior court sustaining the jurisdiction.

IRA YOUNG.

State of New-Hampshire, Coos ss. August 6, 1836.

Sworn to before me,

JOHN P. HALE, Justice of the Peace.

*Deposition of William M. Smith.*

I William M. Smith, of Stewartstown, in the county of Coos and state of New-Hampshire, depose and say, that on the 26th day of June A. D. 1834, I was duly appointed a deputy sheriff of said county by John H. White, Esq. sheriff of said county, that about the last of September or the first October A. D. 1835, a writ in favor of William Buckminster of Danville Vt. against John H. Tyler of Indian stream, in said county of Coos, was delivered to me. I accordingly went to the residence of said Tyler for the purpose of making service of said writ, having previously procured Richard I. Blanchard and John Milton Harvey to go with me, both because I did not know said Tyler when I saw him, and also because I had heard that there had been some difficulties at the place, and some of the inhabitants had threatened resistance to any officer who should attempt to serve process there. I went to said Tyler's dwelling house first, and not finding him at home I proceeded farther to a farm where said Tyler was at work, and arrested him by virtue of said writ, having previously requested him to show me property, which he declined doing. As I was proceeding with said Tyler in my custody, we were met by Emor Applebee and two of his sons, Alanson Cummings, and a man by the name of Tyler, whose christian name I do not know, Jonathan C. L. Knights and two more whose names

I do not know, all stopped by the side of the road where I must necessarily pass with Tyler. At the request of Tyler my prisoner I also stopped where these men were, and I was very soon told I must go no further with said Tyler, and after being told by all or most of the party that Tyler should be carried no farther by me, and that they would protect him from me even at the cost of their lives, I was, upon attempting to take said Tyler along with me, forcibly prevented by said Emor Applebee, who interposed himself between me and my prisoner, aided and countenanced as aforesaid by the company with him as aforesaid, and thereupon I left them, and made a return of said writ to the court when and where the same was returnable, with a return of my doings on the same, stating the facts precisely as they occurred. Immediately after said Tyler was rescued from me in the manner above related, I informed John H. White, Esq. sheriff of said county, of all the facts, and by his advice, I offered a reward of five dollars for the apprehension of said Tyler, and delivery to me or to the Lancaster jail, by an advertisement. Not long after this, I heard that said Blanchard had been taken from his home by some people from Canada, and that they were then carrying him to Canada. This report was generally spread through the neighborhood and produced great excitement and indignation, and a pretty general turn-out of the citizens for his rescue. I among the number turned out, and so far as I could learn or understand the feeling of those who came out, there was a settled and inflexible determination to rescue said Blanchard at even the extremest hazard. When I arrived at the store of Parmelly and Joy in Canaan, Vermont, not being armed myself, I gave up my horse to an individual who was armed, who proceeded immediately towards Canada in the direction that those who had Blanchard in custody must necessarily pass. In about an hour after I had thus given up my horse, the party returned with said Blanchard. Some one then remarked to me that said John H. Tyler was with the party who had said Blanchard in custody, and that if I had been with them I might have retaken him. Some one then asked me for an advertisement of said Tyler, but I had none with me, but had one written immediately, which they took, and a party



Green started from the store of Parmelly & Joy for Canada for the purpose of retaking said Tyler as they stated. I did not hear Alexander Rea's name mentioned in connexion with this party going to Canada, until after they returned with him in their custody, said Tyler being the sole object of pursuit. The individual to whom I gave the advertisement was Capt. James Meoney.

WM. M. SMITH.

State of New-Hampshire, Coos ss. August 3, 1836.

Sworn to before me.

JOHN P. HALE, Justice of the Peace.

*Deposition of Milton Harvey.*

I Milton Harvey, of Colebrook, in the county of Coos and state of New-Hampshire, depose and say, that in April 1833 I was appointed by John H. White, Esq. a deputy sheriff for the county of Coos. That in 1834 I served a warrant in Indian stream territory on a person residing there, by the name of Burrill, for an offence alleged to have been committed there, brought him to Colebrook for examination. No resistance was made. I went there in 1835 to serve several writs on inhabitants of said territory. It was in February or March of that year. Resistance was then made to my serving writs by attaching property. The persons against whom I had process and others accompanying them claimed to be independent, to be an independent government not belonging to the governments of Great Britain or the United States, independent of either until the line was settled. I was in company with William M. Smith when he arrested John H. Tyler and when said Tyler was rescued from his custody by a number of the inhabitants of Indian stream territory, they then claiming to belong and that Indian stream territory belonged to the Province of Lower Canada. I have no recollection of ever having heard before that, that said inhabitants claimed to belong to the province of Lower Canada, or that the Canadian people or government claimed any jurisdiction over said territory and inhabitants. In October last, when Richard I. Blanchard was taken and carried from Indian stream settlement by a par-

ty of Canadians and others, I went in company with Ephraim H. Mahurin and others, for the purpose of rescuing said Blanchard. He was rescued and brought back to Canaan corner, Vt. The carrying away said Blanchard was considered a very great outrage, and the people collected for his rescue were very indignant and very considerably excited, and expressed a determination to rescue him if possible. After our return to Parmelly & Joy's in Canaan, a party started from there to go and take John H. Tyler, who had been arrested by William M. Smith, and rescued as I have before stated. Smith offered five dollars reward for his apprehension and delivery to him. I did not hear the name of Alexander Rea mentioned in connection with said party going to Canada, nor did I hear any reward offered by any individual for bringing said Rea out, nor did I hear any wish or intention expressed that said Rea should be brought out, nor did I know of any such intention, nor do I believe any existed at the time said party started after said Tyler. I left Canaan before said party returned.

MILTON HARVEY.

Coos, ss. August 8, 1836. Personally appearing Milton Harvey, and made solemn oath that the above deposition by him subscribed is true. Before me,

IRA YOUNG, Justice of the Peace.

*Deposition of Richard I. Blanchard.*

I Richard I. Blanchard, of Indian Stream, in the county of Coos and state of New-Hampshire, depose and say, that about the twelfth day of October, A. D. 1835, William M. Smith, a deputy sheriff of Coos county, came to me and told me he had a writ against John H. Tyler of this place, and he did not know the man, and he wanted me to go with him and show him said Tyler, which I accordingly did. Soon after this, to wit, on the 22nd day of the same October, Zebulon Flanders, Zaccheus Clough and John H. Tyler came to my house armed with one musket between them and told me they had a warrant against me. I asked them by what authority. They answered "the King's." I asked said Clough who ap-

peared to be the chief man of the party, if he would read said warrant to me and he replied yes, and attempted to read it, but was unable to do it, and I asked him to let me have it, and he did hand it to me, but before I had read it, said Flanders took it from me, and the party started with me, and were occasionally joined by others, so that by the time I was rescued, the party having custody of me amounted to twelve or fifteen. When I was within about a mile of the house of Alexander Rea, to which place I understood they were conveying me, we were met by a party of about eight men from New-Hampshire on horseback, all or most of them armed, and they demanded my release from the party having custody of me, which was refused, but after some further talk, the party from New-Hampshire resolutely demanding my release, I was at length released, without any force being used on either side, and I went with the party down to the store of Parmelly & Joy in Canaan, Vermont.

I am a deputy of the sheriff of Coos county and was at the time of my said abduction. I have lived at this place about fifteen years, and never knew or heard of the British government exercising or claiming to exercise any jurisdiction here till some time last year, when Alexander Rea began to claim that the territory belonged to Canada, and on that ground began sending his warrants into the settlement.

RICHARD I. BLANCHARD.

State of New-Hampshire, Coos ss. August 11, 1836.

Sworn to before me.

JOHN P. HALE, Justice of the Peace.

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*Deposition of Miles Hurlburt.*

I Miles Hurlburt, of Colebrook, in the county of Coos and state of New-Hampshire, depose and say, that some time in the month of October A. D. 1835, Clark J. Haynes of Indian stream, came to my house in Clarksville, where I then lived, and told me that some of the Canadians had been over and taken Richard I. Blanchard, and were carrying him to Canada, and he wanted me to take my gun with me and go and help rescue him from them. Said Haynes then went on

towards Colebrook village, as I understood from him at the time, for the purpose of notifying the citizens on the road of the outrage that had been committed in the abduction of one of our citizens. I immediately started, taking with me my gun, powder and balls, and I was joined by Joseph P. Wiswell and John Harriman who were on horseback and both armed as I think with horseman's pistols.

We all three proceeded to the house of Ebenezer Fletcher in Indian stream, and immediately before we arrived there we were joined by Joseph Wiswell, Esq. and when we arrived at said Fletcher's, we found there Ephraim Aldrich, Oliver Washburn, and a son of said Richard I. Blanchard, whose name I do not know, being a lad about fourteen years of age, who had been employed in alarming the neighborhood and requesting them to turn out and rescue his father, and a number of others whose names I do not now recollect. There were about six of us who went from said Fletcher's, and we proceeded about four or five miles to the house of John Parker in Indian stream, where we stopped and consulted what was best to do. We then and there concluded to send our arms back to said Ebenezer Fletcher's, which we did, by Joseph Wiswell, Esq. who took them all, assisted by two or three others who went back with him. We then, viz. Oliver Washburn, Ephraim Aldrich, John Harriman, Joseph P. Wiswell, Blanchard's young son beforementioned, and myself, went on to the house of Barnard Young in Hereford, where we found said Blanchard in the custody of said Young, at his house taking dinner. The party at said Young's who had the custody of said Blanchard consisted of said Barnard Young, Zaccheus Clough, Zebulon Flanders, a Mr. Prouty whose christian name I do not know, David Smith, and several others whose names I do not know, amounting in the whole to about twelve. We concluded that we were not then strong enough to rescue said Blanchard. After the party had finished taking dinner, we asked and obtained liberty to speak with said Blanchard, and then suggested to him that if he had a mind to attempt his escape we would interpose and endeavor to prevent the Canadian party from making pursuit after him; but he thought as the Canadian party was then so much

the strongest, it would be of no use to attempt an escape, for that it would be fruitless, and so the idea was abandoned.

The party having Blanchard, then proceeded on their way, while we tarried behind feigning that we did not intend to proceed any farther, though at the same time we had determined to go around another way from the one which they travelled, and intercept them before they reached the house of one Alexander Rea, where we understood from said party, they were carrying said Blanchard; provided we were fortunate enough to be joined by a force from New-Hampshire strong enough to make our interference effectual. We were met before we got to Canaan corner (which lay upon the rout we were taking) by Ephraim H. Mahurin and Hiram A. Fletcher, Esqs. who both joined our party, and soon after by many more, and when we arrived at Canaan corner I should judge there were nearly one hundred men assembled, most of them armed, this being at the store of Parmelly & Joy. There were about eight of us who started from the store of Parmelly & Joy to go after Blanchard, all on horseback and all armed. This party consisted of Ephraim H. Mahurin, John Milton Harvey, Joseph P. Wiswell, James Minor Hilliard, Horatio Tuttle, Thomas B. Blodget, Samuel Weeks jr. and myself. There were many more who had started and were close at hand, and others who had gone round another way by the house of said Rea. When we came up with the party who had said Blanchard in possession, James M. Hilliard rode up to them first and I did not hear precisely what he said, but understood at the time that he demanded of them to give up Blanchard, which they declined doing, we all then rode up and commanded them to stand. This order was given by Ephraim H. Mahurin or Horatio Tuttle, I cannot say which. At this, most of the party stopped, but some of them appeared to be moving towards the woods, when said Horatio Tuttle said, "stand, or God damn you I'll blow you through." They then all stopped and Mr. Mahurin dismounted and went among the party for the purpose of inducing them by persuasion to release Blanchard, which they declined doing, Mr. Prouty keeping his arm locked in Blanchard's. After some further conversation between the two parties, we demanding Blanchard, and they refusing

to give him up, Mr. Mahurin went up to him and told him to get on to his horse, which he did, Prouty keeping his hold of him till he put his foot in the stirrup to mount Mr. Mahurin's horse, and then we all went off with said Blanchard down to Canaan corner in Vermont, at the store of Parmelley & Joy. While we were at the store of Parmelley & Joy in Canaan, something was said by some one about retaking from Canada one John H. Tyler who had previously been arrested by one William Smith a deputy sheriff of Coos county, and rescued from him by some of the inhabitants of Indian stream, and for whose apprehension said Smith had offered a reward of five dollars by advertisement, which advertisement was then shown to me by said Smith. Ephraim C. Aldrich and myself then started for Canada, having with us said advertisement, and honestly supposing that we had an undoubted right to retake said Tyler, such being the state of the facts, in any place where we might find him. We had not at that time the most remote idea of meddling with or molesting Alexander Rea or any other individual whomsoever except said John H. Tyler. Said Tyler was one of the party, as upon reflection I now remember, who had said Blanchard in custody when we rescued him. When we had got over the dividing line between the United States and Canada, and about in sight of Alexander Rea's house, we met John Parker coming from the direction of said Rea's house towards Canaan corner. Said Parker stopped of his own accord and entered into a conversation with said Aldrich, not the least force being used, or threatened by any one. While said Aldrich and said Parker were thus peaceably talking, I saw Alexander Rea coming towards us as as fast as he could come, hallooing and bellowing in the most boisterous manner imaginable, more like a madman enraged, than any reasonable being, commanding us to be off the King's highway, and the next moment to be off *his grounds*. Seeing him come upon us in this manner, and accompanied by about twelve or fourteen men whom he was calling upon to make prisoners of Aldrich and myself, I requested Elisha A. Tirrel who had just joined us to ride back till he met others of our party and ask them to come on. I then presented my pistol to said Rea and told him to keep his proper distance,

for I should not be taken by him, for if he came any nearer he should take the contents of my pistol. Said Aldrich then spoke and said to Mr. Rea, "I should advise you not to go any farther for he may hurt you." Rea then turned towards said Aldrich and ordered Barnard Young to take said Aldrich's horse by the bridle, and upon Young and Rea attempting to take Aldrich he defended himself with his sword. Immediately upon this Rea and the party with him commenced throwing stones as rapidly and as violently as possible, two of which hit me with great force, when I discharged the pistol which I had with me, and not before, at the assailants. In firing my pistol I did not aim at any one in particular, and did not think of hitting any one, but I did it more for the purpose of frightening them. About this time there were thirty or forty more of the party which I left at Parmelly & Joy's store, came in sight, when said Rea and those with him immediately took to flight, Rea running for the woods and Aldrich after him. When I came up with Aldrich and Rea, Aldrich had Rea down, Aldrich having one hand hold of the collar of Rea's coat, and one hand hold of the hilt of his sword, and Rea having hold with both his hands of the blade of Aldrich's sword, with the point of it sticking into the ground, and Aldrich was kicking Rea in the side. When I came up Rea was saying "I surrender," and Aldrich replied, "then God damn you let go the sword and I will let you alone." Dr. Tirrel at the same time came up and remarked to Aldrich, "he says he surrenders, why dont you let him get up," Aldrich again replied, "if he will let go the sword I will." And Dr. Tirrell remarked to Rea "if you will let go the sword I will guaranty that Aldrich will not hurt you, whereupon Rea let go the sword and Aldrich let him get up, and we took him and put him into the wagon and carried him down to the store of Parmelly & Joy in Vermont. While this skirmish was carried on, I heard four or five guns fired, one of which I fired as before stated. Who fired the others I cannot tell, for I do not know. I have heard it was stated by said Alexander Rea and some others that said Aldrich and myself stopped one or more people in the road before he came up to us in the manner before stated. I now upon due reflection;

solemnly depose and say that we did not stop or attempt to stop any one by word or deed, or threat of any kind, until we were assaulted by Alexander Rea and the party with him in the manner above stated. **MILES HURLBURT.**

State of New-Hampshire, Coos ss. August 5, 1836.

Sworn to before me

**JOHN P. HALE,** Justice of the Peace.

*Deposition of Ephraim C. Aldrich.*

I, Ephraim C. Aldrich, of Indian Stream, depose and say, that about the 22d day of October A. D. 1835, I was informed that a party from Canada had been over the line and taken Richard I. Blanchard, one of our citizens, and were carrying him to Canada; upon this, I turned out for the purpose of rescuing him, as did the inhabitants of this place and the neighboring towns generally. I was not with the party who rescued said Blanchard, having gone on the same purpose in another direction. After said Blanchard was rescued and brought back to the store of Parmelee and Joy, in Canaan, Vermont, Miles Hurlburt and myself left said store and started for Canada, for the purpose of retaking one John H. Tyler, who had previously been arrested by one William M. Smith, a deputy sheriff of Coos county, and rescued from him by a mob at Indian Stream. At the time we thus started after said Tyler we had with us an advertisement of said Smith for said Tyler, and we supposed we had an undoubted right to retake said Tyler wherever we might find him. We had not the most remote idea of taking Alexander Rea, or any one else except said Tyler, nor in any way molesting or meddling with them. When we had got into Canada and were peaceably talking with one John Parker, not having offered, or threatened, or intended any violence, by action, word or gesture, we were violently assaulted by said Alexander Rea in the manner testified by Miles Hurlburt. Rea and Young both came to me, took my horse by the bridle, and attempted to make a prisoner of me. After commanding them to let me alone and let go my horse, which they would not do, I drew my sword and struck Young with it, and immediately there-



upon said Alexander Rea threw at me a large stone weighing as I should judge eight or ten pounds, which hit me on the head near my right eye and broke the bone at the corner of my eye.

It has been stated and sworn by said Alexander Rea and some others, as I am informed, that said Hurlburt and myself stopped some people in the road before said Rea came up to us as aforesaid. I solemnly depose and say, that said statement, by whomsoever it is made, is absolutely and totally false in every particular. We stopped no one, nor did we attempt or intend to stop any one, till we were assaulted by said Rea and Young as aforesaid.

E. C. ALDRICH.

State of New-Hampshire, Coos ss. August 11, 1836.

Sworn to before me,

JOHN P. HALE, Justice of the Peace.

*Deposition of James M. Hilliard.*

I, James M. Hilliard, of Colebrook, in the county of Coos, and state of New-Hampshire, husbandman, depose and say, that sometime about the last of October A. D. 1835, Asa Parker of Indian Stream settlement came to my house and informed me that Richard I. Blanchard, of said Indian Stream settlement, had that morning been taken from his house, by some people from Canada, and that they were then conveying him said Blanchard to Sherbrook in said Canada, and that he wanted me to go and help release said Blanchard. I at first declined, but after he left I concluded to go, got my horse and started in company with Samuel Weeks, Jr. of said Colebrook, Horatio Tuttle of said Colebrook, and Luther Parker of Indian Stream. After proceeding about two miles we were joined by Thomas B. Blodget and Thomas Piper, both of Stewartstown, in said county of Coos. We all proceeded together to Canaan in Vermont, to the store of Parmelee and Joy, where we tarried a short time, and said Thomas B. Blodget rode on towards Indian Stream and in a few minutes returned in company with John M. Harvey and told us that the Canadians had Blanchard in their custody and were to pass

over Hereford hill about two miles distant from the store where we then were, and that we should probably meet them at the hill if we rode there immediately. Said Blodget rode by towards Hereford hill without making any stop at the store, and called upon us to follow him, and myself, said Samuel Weeks, Jr., Thomas Piper, Horatio Tuttle and Ephraim H. Mahurin followed after said Blodget. When we came up with the party who had possession of said Blanchard, I was in advance of the party a few rods, and rode up to those who had the custody of said Blanchard and asked them if they had not given Blanchard our sheriff; one of the party answered that they had, they had a warrant against him as one of the King's subjects. I answered that that was not the case, he was a citizen of this state, and that they had no right with him. They replied that he was taken by them on the soil of Canada. To which they were answered that he was taken from our state that he was one of our officers, that they had nothing to do with him, and they must give him up. They replied that they should not give him up. I told them he must be given up peaceably or we should take him. Ephraim H. Mahurin then told them that we did not wish for any difficulty or disturbance, but we must have their prisoner, and thereupon dismounted and went along to Blanchard, took hold of him and told him to get on to his (Mahurin's) horse, at the same time leading him along to his horse, the Canadians holding on to him till he got to the horse, when they let go their hold, and Blanchard mounted the horse and rode off. Our party had previously been joined by Miles Hurlburt and Joseph P. Wiswell, but Luther Parker had not gone with us farther than the store of Parmelee & Joy. This was all the violence that was offered or threatened to any of the party who had the custody of Blanchard, except some threats made use of by one Horatio Tuttle, which were promptly discountenanced by said Ephraim H. Mahurin and myself, the remainder of the party saying nothing. We then returned to the store of Parmelee & Joy with said Blanchard. After we had been at the store of said Parmelee & Joy about an hour or an hour and a half, it was proposed by some one to go over on to the Canadian side and take one Tyler, who had previously been arrested by one

William M. Smith, a deputy sheriff of Coos county, and had made his escape into Canada, a reward having been offered for his apprehension by said William M. Smith, by advertisement. To this proposition, I replied that they had better not go, Mr. Mahurin having left the store for his home previously; and I tried all I could to persuade them not to go, but they went, and after having been absent about an hour they returned bringing with them, not said Tyler, but one Alexander Rea. There were none who went on this last expedition after Tyler, and returned with Rea, that were with us when we took Blanchard except Miles Hurlburt and Joseph P. Wiswell. I further depose and say that I never heard Rea's name mentioned in connexion with this party going into Canada till after they returned with him in their possession, Tyler being as I understood, the sole object of pursuit.

JAMES M. HILLIARD.

State of New-Hampshire, Coos ss. August 1, 1836.

Then said James M. Hilliard personally appeared and made oath that the above deposition by him subscribed is true.  
Before me,

JOHN P. HALE, Justice of the Peace.

*Deposition of Josiah Parmelly.*

I Josiah Parmelly of Canaan in the county of Essex and state of Vermont depose and say that some time in October A. D. 1835, there was a large party assembled in my store in said Canaan, who had, as I understood, been over to Canada and rescued one Richard I. Blanchard from the Canadians who had taken him from Indian stream. After they had been here some time, it was proposed by some one to go and retake one John H. Tyler from Canada who had previously been arrested by one William Smith a deputy sheriff of Coos county, and rescued from said Smith by some of the inhabitants of Canada or Indian stream. I understood that said Smith had offered a reward of five dollars for the apprehension of said Tyler. Accordingly said party started. I further depose and say that the name of Alexander Rea or of any other individual except said John H. Tyler was not men-

tioned by any one till after they returned, having said Alexander Rea in custody, said Tyler being the sole object of their pursuit. I made no offer of any reward for the taking of said Rea, nor did I hear any one else offer any reward for him, nor did I hear his name mentioned till after said Rea was brought here.

I further depose and say that I am well acquainted with Alexander James McKinnon of said Canaan, tailor, and that his reputation for truth is notoriously bad.

JOSIAH PARMELE.

State of New-Hampshire, Coos, ss. August 4, 1836.

Sworn to before me.

JOHN P. HALE, Justice of the Peace,

*Deposition of James Mooney.*

I James Mooney, of Stewartstown in the county of Coos and state of New-Hampshire depose and say, that in the year 1835 I was Captain of the sixth company of the 24th regiment of militia, and continued to hold said office till June of the present year, and had command of the detachment of said regiment stationed at Indian stream territory in November 1835, which detachment there continued till February 18, 1836. On the twenty first day of October A. D. 1835 Clark J. Haynes came to my house and notified me that a mob from Canada had been over the line and had taken Richard I. Blanchard, a deputy sheriff of said county of Coos, and were then carrying him to Canada, and that said Blanchard wanted me to raise a force and rescue him.

I asked said Haines if he knew the number of those who had Blanchard. He replied, he did not. I then told said Haines that I was not the proper authority to apply to, but as Col. Young, commander of the regiment was absent and the Lieut. Col. was fifty or sixty miles distant, I would raise what force I could and risk the responsibility of rescuing said Blanchard. The news of the abduction of said Blanchard excited very general indignation through the neighborhood, and I sent word to those residing in my neighborhood to turn out, said Haines went on to Colebrook to notify the inhabitants

there, and request them to turn out. There was accordingly a very general turn out, and a strong determination expressed to rescue said Blanchard at every hazard. I was not present when said Blanchard was rescued, but I first saw him at the store of Parmele & Joy, in Canaan, Vermont, or that immediate vicinity. After we had been some time at said store, there was some talk about going into Canada again and retaking one John H. Tyler who was said to have been previously arrested by one William M. Smith, a deputy sheriff of said county of Coos, and rescued from him by a mob from Indian stream. There was also an advertisement of said Smith shown at the time, offering a reward of five dollars for the apprehension of said Tyler. Accordingly different parties left the said store and went to Canada after said Tyler. There was no other object that I heard or thought of, named by any of those who then went into Canada except the apprehension of said Tyler. The idea of taking Alexander Rea or any one else except said Tyler was not, to my knowledge, suggested or thought of. I was not with the party that took said Rea, but when I arrived there, I saw him travelling as fast as he well could towards the woods and Ephraim C. Aldrich pursued him. He was brought from the woods and put into a wagon and brought down to Canaan corner, in Vermont. I was not at this time in the employ of the state, nor in the exercise of any military command.

The only times when I ever exercised any military command in my life, except at our annual company trainings and regimental musters, were from the 4th to the 6th of Aug. A. D. 1835, both inclusive, having been ordered to rendezvous with my company at Stewartstown for the purpose of rendering to John H. White, esq. sheriff of said county, such assistance as might be necessary to enable him to serve process in Indian stream territory, our officers having been of late resisted there, and more serious resistance having been threatened after the interference of Alexander Rea. The other occasion subsequent to the abduction of said Blanchard, and also subsequent to the time said Rea was brought to Vermont in the manner above related, when I was stationed at said Indian stream in command of a detachment of the 24th N. H. militia as before stat-

ed. I have lived in Stewartstown about fifteen years, and never knew or heard of any other authority claiming to have jurisdiction over Indian stream territory except the state of N.H. till after I understood that some time in the year 1835 one Alexander Rea had been claiming the territory as belonging to Lower Canada.

JAMES MOONEY.

State of New-Hampshire, Coos ss. August 8, 1836.

Sworn to before me,

JOHN P. HALE, Justice of the Peace.

*Deposition of James M. Jewett.*

I James M. Jewett, of Colebrook, in the county of Coos and state of New-Hampshire depose and say, that sometime in October 1835, information was given at Colebrook that Richard I. Blanchard, deputy sheriff for Coos county, had been taken by a party from Canada, and they were conveying him to Sherbrook. On receiving this information, I started with a number of individuals armed, Hiram A. Fletcher, Esq. being one of them, to go and rescue said Blanchard. On arriving at Canaan, Vt. a number of persons had arrived for the same purpose, and more were coming in every moment. They were all indignant at the outrage, and expressed a determination to retake Blanchard if they had to pursue him to Sherbrook. I did not go from Canaan with the party, but remained there until they returned with Blanchard, at which time a great number of people had arrived and more were coming in.

Some of the party that rescued Blanchard, on their return saw William M. Smith and told him if he had been with them he might have retaken his prisoner, Tyler. I had understood that said Smith had some time before arrested said Tyler at Indian stream, and he had been rescued out of his custody. Smith in answer said, if any one would take and bring said Tyler to him he would give five dollars. I was informed that an advertisement was made by said Smith for said Tyler, and a party started after Tyler.

I did not hear any one offer any thing as a reward for bringing Alex. Rea from Canada, nor did I hear any person men-

tion any wish or intention to go after said Rea, nor do I believe that any of the party thought of it. I did not hear his name mentioned in connection with the party going after Tyler, but the sole object that I heard mentioned, or that I thought of, was their going after said Tyler.

When the party returned, having said Rea in custody, great surprise and regret was expressed by the people there that said Rea had been taken and brought there, knowing that they had no right so to do ; and Hiram A. Fletcher, with whom I was in company, on being applied to, to make out some papers to detain said Rea, declining having any thing to do with it, told them they had done wrong, had gone too far, and that they had no right to take Rea, or detain him, and they had better get out of the scrape the best they could ; soon after which said Fletcher and myself left for home.

JAMES M. JEWETT.

Coos ss. August 5, 1836. Personally appearing James M. Jewett and made solemn oath that the foregoing deposition by him signed is true. Before me

IRA YOUNG, Justice of the Peace.

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*Deposition of Hiram A. Fletcher.*

I Hiram A. Fletcher, of Colebrook, in the county of Coos and state of New-Hampshire, counsellor at law, depose and say, that sometime in the latter part of October, A. D. 1835, one Clark J. Haynes of Indian stream came to Colebrook where I then and now reside, and informed, that Richard I. Blanchard of Indian stream, a deputy sheriff, had been arrested on a Bench warrant, or a warrant issued by Alexander Rea of Hereford in the Province of Lower Canada, Esquire, and that the officer and his assistants were taking him to Sherbrook or some other place in the Province for trial, for having received the appointment of, and assuming to act as, a deputy sheriff at Indian stream, under John H. White, Esquire, sheriff of said county of Coos.

Said Haynes told me and others, that notice had been given in Clarksville and Stewartstown of the arrest of said Blanchard and that a great many had gone to rescue him, and that his object in coming to Colebrook was to give this information.

I used my endeavors to raise a party to join in the pursuit. Ephraim H. Maburin, Esq. Milton Harvey a deputy sheriff, James M. Jewett, Horatio Tuttle and I, immediately started off. We were all armed and supplied with ammunition. Said Maburin carried a double barrellled gun, Harvey a horse pistol, Jewett a brace of pistols, Tuttle a musket and bayonet, and I a rifle. We went up the river road through Stewartstown, crossed the bridge near Canaan corner, Vermont, and then took the road leading to Indian stream, supposing, that by so doing we should meet the party having Blanchard in custody before they could get over Canada line with him, but after we had got on about half a mile, we met a number of men from Clarksville and Indian stream, most or all of them on foot without fire-arms, running very fast, who informed us that they had come up with Blanchard, but could not rescue him, as the party having him in custody was about their number and armed; that they had crossed Hall's stream with him, and were proceeding on towards Esquire Rea's as fast as possible; and that the only way he could be retaken would be by going back to Canaan corner and taking a road which intersects with the road they would travel in going from Hall's stream to Mr. Rea's, and meet them on the road. We all returned to Canaan, and there we divided, a part of those on foot and in carriages went up the road leading from Canaan to Canada, and those mounted went north in an old road or path which intersects with the said road leading from Hall's stream to said Rea's. It was at or near this place that Blanchard was taken, as I am informed, but I was not of the party that took him. I came up with this party that retook Blanchard before they had returned to Canaan corner; but on which side of Canada line it was that I joined them I neither know nor care.

When we got back to Canaan corner, there were a great many people assembled from Colebrook, Stewartstown, Clarksville and Indian stream, and a great many more arrived there soon afterwards. Many of them were armed and equipped like the New-Hampshire militia. So far as I could judge, there was a general rejoicing that Blanchard had been retaken. I heard some one say to William M. Smith, then a deputy sheriff of Coos county, that if he had been with the party that



rescued Blanchard, he could have recaptured his former prisoner, John H. Tyler, who had been arrested a short time before by said Smith at Indian stream, and was rescued. Smith said he should like to get him, if he could without exposing himself, or something to that effect. I think he then offered a specific reward for him, but do not now recollect the amount.

It was suggested that the officer who had suffered Blanchard to be rescued, and his whole party, John H. Tyler among the rest, had gone to Esq. Rea's, to condole with that functionary on the solemn occasion. I was then called to supper, and whilst I was at the table, Joseph Wiswell of Clarksville, Esquire, came into the room, and said some individuals were going after John H. Tyler, and desired me to write an advertisement for said Smith, offering a reward. I told him I came away from home before dinner and was a meal behind hand, and could not then stop to write one, but stated to him what I thought was necessary to set forth in the advertisement, and he said that would do; he could write it. After supper I went out and shot at a mark with Gideon Tirrill, Esq. James M. Hilliard and others. I should think we were engaged in this amusement about an hour; it was then so dark we could not well see, and for that reason, quit. While engaged in firing at a mark I heard the report of guns in the direction of Mr. Rea's, but I then thought they could not be so far off, as the distance is about a mile and a half. I supposed they were discharged to prevent these accidents that might happen in carrying them home loaded, as many of the guns had been discharged after retaking Blanchard, to avoid such an event. Some time after we had done shooting at the mark, I heard some one hallooing up the road towards Mr. Rea's. I went to the corner of Mr. Parmele's store and saw two or three wagons coming down the road very fast, filled with men. I supposed they had got John H. Tyler, as I heard them say "we have got *him*." I might have shouted "hurrah for Jackson," as Mr. Rea states in his deposition. I think I did, but I am confident I did not add, as he states in his deposition, "Here is old Rea—we have got the d—d old rascal," as I did not distinguish any person sufficiently to recognise them, till the wagon in which Mr. Rea was passed me. It was well nigh

night fall at the time, and had it been never so light I could not distinguish him from others in the wagon at the distance they were off at the time above mentioned, as I am very near sighted.

When I found that Mr. Rea was captured instead of Tyler, I went towards the stables for my horse, and a number of persons followed after me, but who they were I cannot positively state, and said something must be done with Rea, and requested that I should make out some precept or advise to some course that would hold him to answer for his conduct in regard to the Indian stream difficulty. I told them all that I could not do any thing of the kind, although in my judgment, Mr. Rea had acted more like a judicial monster than like one of his majesty's justices and conservators of the peace in all his doings so far as respected the arrest and examination of one Luther Parker, Esq. for an alleged offence mentioned in said deposition of said Rea, and also in respect to the arrest of said Rich'd I. Blanchard, and advised them to dress his wounds, wash him up, and send him home. I told them they had no right to take him any where, even in New-Hampshire, much less to seize him in Canada and transport him over the line. It was admitted by all the bystanders that the capture of Rea might be illegal, but they assigned as a reason for so doing, that in attempting to take Tyler, Rea and his party resisted and pelted them with stones, and in self defence they took Rea as a kind of prisoner. I came away from Mr. Parmele's directly after, and did not see Mr. Rea that night. I did not hear any one say or intimate, nor did it enter my mind, that this party that went over the line and took Rea, were going or had gone to take him, but I did hear it said again and again that they were going to take John H. Tyler, for whom a reward had been offered by said Smith as above mentioned.

**HIRAM A. FLETCHER.**

State of New Hampshire, Coos ss. August 3, 1836.—  
Sworn to before me.

**JOHN P. HALE, Justice of the Peace.**

*Deposition of Archelaus Cumings, Jr.*

I, Archelaus Cumings, jr. of Canaan, in the county of Essex and state of Vermont, depose and say, that some time in October last past, I went from the house of my father, where I reside in Canaan, to the store of Parmelly & Joy in said Canaan; the distance of about 3-4ths of a mile, having understood that a party principally from New Hampshire had been into Canada and rescued one Richard I. Blanchard who had been taken from Indian Stream by some Canadian people. After I arrived at said store I found that said Blanchard had been rescued as I had previously heard. After I had been at said store some time I heard a proposition made by some one to go over the Canada line and retake one John H. Tyler, who, it was said, had been arrested by one William Smith, a deputy sheriff of the county of Coos in the state of New Hampshire, and who was said to have been advertised by said Smith.

I offered no reward for the apprehension of Alexander Rea, nor did I hear any other person offer any reward for the apprehension of said Rea, nor of any other person except said John H. Tyler, nor was the name of any other person mentioned by any one as the object of pursuit in crossing the line into Canada, except said John H. Tyler. I saw Capt. James Mooney, one of the party who started after Tyler, and he told me at the time that John H. Tyler was the person whom they were going after, and that some *Esquire*, whose name I do not recollect, had advised them that they had a right so to do.

I further depose and say that I have for about a year been acquainted with the reputation of Alexander James McKinnon of this town, and he is generally called a man whose word is not at all to be relied on. His reputation for truth is not good.

After the party started from the store of said Parmelly and Joy for Canada, I saw said Capt. James Mooney hand some one a paper, which I understood at the time was said Smith's advertisement for said John H. Tyler.

ARCH. CUMINGS, Jr.

State of New-Hampshire, Coos ss. August 4, 1836.

Sworn to before me,

JOHN P. HALE, Justice of the Peace.

*Deposition of Joseph Wiswell.*

I Joseph Wiswell, of Clarksville, in the county of Coos and state of New-Hampshire, depose and say, that I have been a

justice of the peace for this county about six years, and have lived in this town twenty years, and have been well acquainted with Indian stream and its inhabitants for most of the time, and never knew or heard of any other government than the state of New-Hampshire exercising or claiming to exercise any jurisdiction there till the interference of one Alexander Rea in June 1834, who then claimed that the territory belonged to the Province of Lower Canada. Some time in the month of October last, Clark J. Haines, of Indian stream, came to my house in Clarksville, and informed me that a mob had been over from Canada, and had taken one Richard I. Blanchard, one of our citizens, and were then carrying him to Canada, and he wished the neighborhood to turn out and rescue him. Soon after, the same report and request was made by Luther Parker. I accordingly started for Indian stream, with the intention of rescuing said Blanchard, and just as I arrived at the house of Ebenezer Fletcher, in Indian stream, I overtook Miles Hurlburt, John Harriman, and several others. We left said Fletcher's together, and just as we arrived at the house of John Parker, situate on the easterly side of Hall's stream, we concluded that the party who had Blanchard in possession would pass Hall's stream before we could overtake them, and as we did not wish to go into Canada armed, it was concluded to send back the arms. Accordingly I took the arms to carry back, accompanied by two or three others, and on our way back, I saw Emor Applebee, who, I understood, was one of those who had been concerned in the abduction of said Blanchard, and he was requested to surrender himself which he refused to do, and, being armed with a musket, he stated that he should not be taken alive, we had better not come any nearer. We, that is to say, those that started from John Parker's with the arms, proceeded to Canaan corner, Vermont, and when we arrived there, found that the party who had gone in pursuit of those who had Blanchard had returned to Canaan, having rescued said Blanchard and brought him back with them. I was there when the party started after Tyler, from the store of Parmele & Joy, and I did not hear Rea's name mentioned at all in connexion with their expedition to Canada. After this party had gone to Canada after said Tyler, I went up to the house of Judge Cummins, in said Canaan, situated between the house of said Alexander Rea, in Hereford, and the store of Parmele & Joy, and a few minutes afterwards my son, Joseph P. Wiswell, came up there also, where we remained and took supper, and were there when

the party having said Rea in custody returned to Canaan, Vermont, so that I am enabled to state positively that neither my said son, Joseph P. Wiswell, nor myself, had any part in the taking of said Rea, or conveying him to Canaan, Vermont. The inhabitants of Indian stream, whenever they have destroyed any wild animals, for which a bounty is given by the laws of the state of New-Hampshire, have, so far as my knowledge extends, uniformly applied for said bounty here, and obtained it. I have frequently joined the inhabitants in marriage, and never knew them to resort to Canada for the purpose of being married, or any one deriving his authority from the church or civil authority of Canada, to solemnize marriages among them.

JOSEPH WISWELL.

State of New-Hampshire, Coos ss. August 9, 1836.

Sworn to before me,

JOHN P. HALE, Justice of the Peace.

*Deposition of Ephraim H. Mahurin.*

I, Ephraim H. Mahurin, of Columbia, in the county of Coos, in the state of New-Hampshire, depose and say, that about the 22d of October last, being at Colebrook, an express arrived from the Indian stream settlement, so called, giving information that a party from Hereford, L. C. had taken Mr. Blanchard, a deputy sheriff of this county, and were conveying him to Sherbrook. I started with several others, and went for the purpose of retaking him, and on Hereford hill, so called, we met some twelve or more persons leading said Blanchard towards Mr. Rea's house, in Hereford, and, on meeting them, one of our company I think, commanded them to stop, and used some decisive language, which was promptly disapproved by Mr. Hilliard and myself, and we informed the party who had Blanchard in custody, that we wished to have no difficulty with them, that it evidently arose from the circumstance that the boundary line was not fully settled between the two governments, and that as the state of New-Hampshire had for a long time claimed and exercised jurisdiction over that tract, and the claims of actual jurisdiction by the Province being very recent, and, as we believed, originating with the aforesaid Rea, we felt it to be our duty to retake Blanchard, and to protect the officers of said settlement from arrest by officers from the Province, and that we should take him at all hazards, but wished to do it without any trouble or hard words with them. I then dismounted, and told Blanchard to get on my horse, and he at first appearing to hesitate, I repeated the direction, when he stepped towards the horse, with a man hold of each arm,

but when he got to the horse, they let go, and he mounted and rode to Canaan, Vt. Considerable abusive language was used towards us by two persons of the party, Mr Blood and Beecher, but we told them they might say what they thought fit, as we should not be led into a quarrel with them, but should let King William and Gen. Jackson decide the matter, and we then left them, and after a stop of about fifteen minutes at Parmele's store, I went directly home to Columbia, a distance of twenty miles from Hereford; and I never heard of the affair at Mr. Rea's until a day or two after.

I acted under no orders from any one, in the part I acted, and no one that I know of, claimed any authority over another.

I have known of no "occasional acts of jurisdiction" exercised by the Provincial government until the arrest of Luther Parker, and from the best information I have, these "acts" owe their origin and support to a few outlaws at Indian stream, encouraged by said Rea.

I have always understood that said tract was claimed by this state, by a survey made by Jeremiah Eames jr. esq. more than forty years since, and more than thirty years ago process from the courts of this state was served on Richard Smart, who resided on said tract, and his property attached.

EPHRAIM H. MAHURIN.

Coos ss. August 9th, 1836. Personally appearing Ephraim H. Mahurin, and made solemn oath that the foregoing deposition by him subscribed is true. Before me,

IRA YOUNG, Justice of the Peace.

*Deposition of Benjamin Applebee.*

I, Benjamin Applebee, of Indian Stream, in the county of Coos and state of New Hampshire, depose and say, that I have lived at this place seventeen years. I am a son of Emor Applebee, now in jail at Lancaster, and was arrested last winter by Col. John H. White, and was carried to Lancaster and detained at Lancaster six months and three days for resisting a deputy sheriff of Coos county in the service of process. I further depose and say I never should have thought of resisting the officers of New Hampshire, had I not been advised so to do, and assured I should be protected in so doing by the government of Canada, by Alexander Rea of Hereford, Lower Canada.

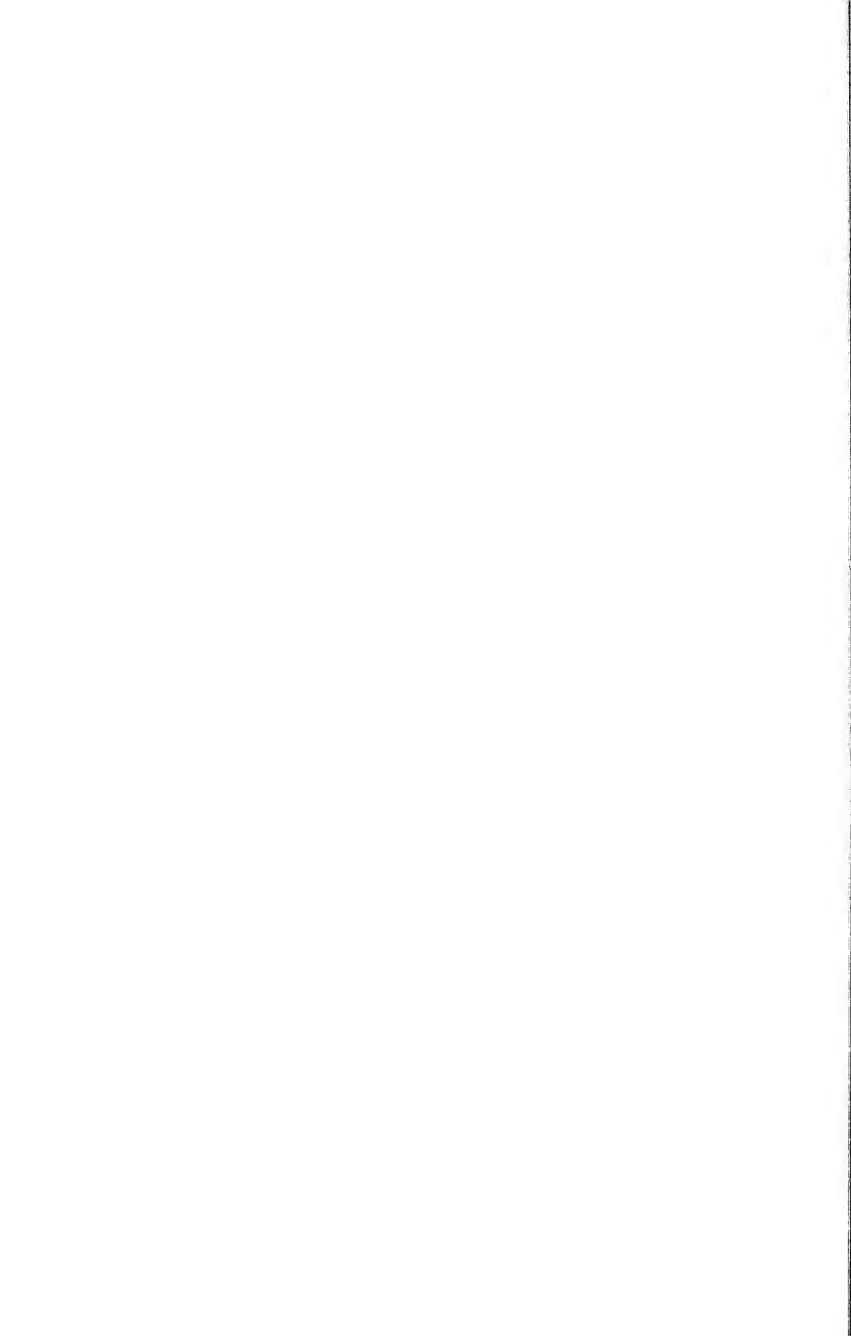
BENJAMIN APPLEBEE.

State of New-Hampshire, Coos, ss. August 11, 1836.

Sworn to before me.

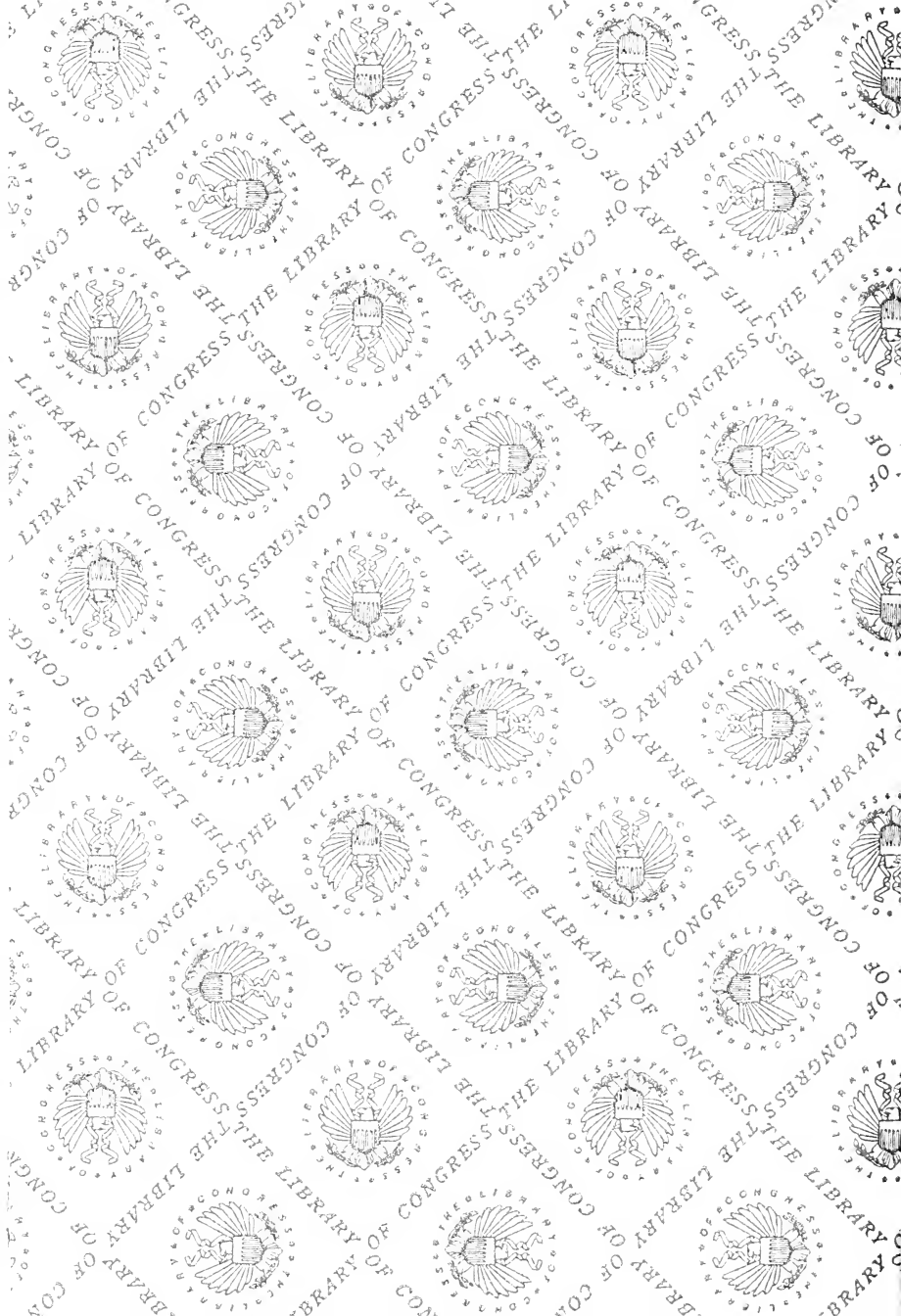
JOHN P. HALE, Justice of the Peace.











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